

Historic, archived document

Do not assume content reflects current scientific knowledge, policies, or practices.

LEGISLATIVE HISTORY

Public Law 87-823
H. R. 11665

TABLE OF CONTENTS

Index and summary of H. R. 116651,2
Digest of Public Law 87-8233

INDEX AND SUMMARY OF H. R. 11665

Aug. 18, 1961	Sen. Long, Hawaii, introduced and discussed S. 2442 which was referred to the Senate Agriculture and Forestry Committee. Print of bill and remarks of Sen. Long.
Aug. 29, 1961	Rep. O'Hara introduced H. R. 8962 which was referred to the House Education and Labor Committee. Print of bill as introduced.
Feb. 6, 1962	House subcommittee voted to report H. R. 8962 to the full committee.
Feb. 21, 1962	House committee voted to report (but did not actually report) H. R. 8962
Feb. 26, 1962	House committee reported H. R. 8962 with amendment. H. Report No. 1389. Print of bill and report.
Mar. 5, 1962	House passed over H. R. 8962 at request of Rep. Ford.
Mar. 19, 1962	House passed over H. R. 8962 at request of Rep. Ford.
Apr. 2, 1962	House passed over H. R. 8962.
Apr. 16, 1962	House passed over H. R. 8962.
May 7, 1962	House passed over H. R. 8962.
May 9, 1962	Rep. Bailey introduced H. R. 11665 which was referred to the House Education and Labor Committee. Print of bill as introduced.
May 10, 1962	House committee voted to report a clean bill in lieu of H. R. 8962 (H. R. 11665).
May 14, 1962	House committee reported H. R. 11665 without amendment. H. Report No. 1673. Print of bill and report.
May 21, 1962	H. R. 8962 was removed from the consent calendar.
May 22, 1962	Rules Committee reported resolution for the consideration of H. R. 11665. H. Res. 657, H. Report No. 1726). Print of resolution and report.
	Summary of H. R. 11665 as reported by committee.
May 31, 1962	House began debate on H. R. 11665.
June 5, 1962	House continued debate on H. R. 11665.

June 6, 1962 House passed H. R. 11665 with amendments.

June 7, 1962 H. R. 11665 was referred to the Senate Agriculture and Forestry Committee. Print of bill as referred.

Aug. 14, 1962 Senate subcommittee voted to report H. R. 11665 with amendment.

Sept. 5, 1962 Senate committee voted to report (but did not actually report) H. R. 11665.

Sept. 7, 1962 Senate committee reported H. R. 11665 with amendments. S. Report No. 2016. Print of bill and report.

Sept. 11, 1962 Sen. Javits submitted proposed amendments to H. R. 11665.

Sept. 21, 1962 Senate passed H. R. 11665 as reported.

Oct. 1, 1962 House and Senate conferees were appointed.

Oct. 2, 1962 Both Houses received and Senate agreed to conference report on H. R. 11665. H. Report No. 2512. Print of report.

Oct. 4, 1962 House agreed to conference report.

Oct. 15, 1962 Approved: Public Law 87-823.

Hearings: H. Education and Labor Committee on H. R. 4688, etc.

S. Agriculture and Forestry Committee on S. 2442 and H. R. 11665.

DIGEST OF PUBLIC LAW 87-823

NATIONAL SCHOOL LUNCH ACT AMENDMENTS. Amends the National School Lunch Act by changing the method of apportioning cash assistance funds among the States and Territories by taking the factor of participation into account. Provides that such apportionments will be based upon the number of lunches served under the program in each State in the preceding fiscal year, and the State's need for assistance, as measured by State per-capita income. Provides for a three-year transition to the new formula with 25 percent of the funds being apportioned on the new formula the first year beginning July 1, 1962, 50 percent the second year, and 75 percent on the new formula the third year. Authorizes the appropriation of \$10,000,000 for fiscal year 1963, and such sums as may be necessary for each succeeding fiscal year, to provide special food assistance to schools which draw their attendance from areas in which poor economic conditions exist. Extends the school lunch program to American Samoa and makes a special provision for the apportionment of funds to American Samoa during the five years beginning July 1, 1962.

SCHOOL LUNCH PROGRAM

U. S. DEPARTMENT OF AGRICULTURE
LAW LIBRARY
LEGISLATIVE REPORTING

HEARING

BEFORE THE

GENERAL SUBCOMMITTEE ON EDUCATION

OF THE

COMMITTEE ON EDUCATION AND LABOR
HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH CONGRESS

FIRST SESSION

ON

H.R. 4688, H.R. 4764, H.R. 6209, H.R. 8962

BILLS TO AMEND THE NATIONAL SCHOOL LUNCH ACT TO
PROVIDE FOR A MORE EQUITABLE DISTRIBUTION OF THE
FUNDS AVAILABLE UNDER SUCH ACT, AND FOR OTHER
PURPOSES

HEARING HELD IN WASHINGTON, D.C., AUGUST 31, 1961

Printed for the use of the Committee on Education and Labor



COMMITTEE ON EDUCATION AND LABOR

ADAM C. POWELL, New York, *Chairman*

CLEVELAND M. BAILEY, West Virginia	CARROLL D. KEARNS, Pennsylvania
CARL D. PERKINS, Kentucky	CLARE E. HOFFMAN, Michigan
PHIL M. LANDRUM, Georgia	PETER FRELINGHUYSEN, JR., New Jersey
EDITH GREEN, Oregon	WILLIAM H. AYRES, Ohio
JAMES ROOSEVELT, California	ROBERT P. GRIFFIN, Michigan
HERBERT ZELENKO, New York	EDGAR W. HIESTAND, California
FRANK THOMPSON, JR., New Jersey	ALBERT H. QUIE, Minnesota
ELMER J. HOLLAND, Pennsylvania	CHARLES E. GOODELL, New York
JOHN H. DENT, Pennsylvania	PETER A. GARLAND, Maine
ROMAN C. PUCINSKI, Illinois	DONALD C. BRUCE, Indiana
DOMINICK V. DANIELS, New Jersey	JOHN M. ASHBROOK, Ohio
JOHN BRADEMÁS, Indiana	DAVE MARTIN, Nebraska
ROBERT N. GIAIMO, Connecticut	
JAMES G. O'HARA, Michigan	
RALPH J. SCOTT, North Carolina	
NEAL SMITH, Iowa	
CHARLES S. JOELSON, New Jersey	
JULIA BUTLER HANSEN, Washington	

LOUISE MAXIENNE DARGANS, *Chief Clerk*

RUSSELL C. DERRICKSON, *Staff Director*

WRAY SMITH, *Education Chief*

HOWARD G. GAMSER, *Chief Counsel for Labor-Management*

LIVINGSTON L. WINGATE, *Associate Counsel for Labor-Management*

TERESA CALABRESE, *Administrative Assistant to Chairman*

RICHARD T. BURRESS, *Minority Clerk*

GENERAL SUBCOMMITTEE ON EDUCATION

CLEVELAND M. BAILEY, West Virginia, *Chairman*

FRANK THOMPSON, JR., New Jersey	PETER FRELINGHUYSEN, JR., New Jersey
JOHN BRADEMÁS, Indiana	ALBERT H. QUIE, Minnesota
JAMES G. O'HARA, Michigan	PETER A. GARLAND, Maine
RALPH J. SCOTT, North Carolina	

ROBERT E. MCCORD, *Subcommittee Staff Director*

CONTENTS

Text of bills:	Page
H.R. 4688	1
H.R. 4764	2
H.R. 6209	4
H.R. 8962	4
Statement of—	
Davis, Howard P., deputy director, Food Distribution Division, Agricultural Marketing Service, Department of Agriculture	7
Fuller, Dr. Edgar, executive secretary, Chief State School Officers	20
Stough, Mrs. Ada Barnett, executive director, American Parents Com- mittee	24
Thomson, Hon. Vernon W., a Representative in Congress from the State of Wisconsin	29
Letters, statements, supplemental material, etc.:	
Davis, Howard P., Deputy Director, Food Distribution Division, Agricultural Marketing Service, Department of Agriculture, state- ment of	7
Suggested amendment to bill	19
Table I.—Selected program statistics, fiscal years 1947 and 1961	10
Table II.—Average per meal rate of assistance under present formula for apportionment and under proposed formula	11
Table III.—Payments to States under present formula for apportionment and under proposed formula	12
Table IV.—Payments to States under present formula for apportionment and under proposed formula during transition period	13
Freeman, Hon. Orville L., Secretary of Agriculture, letter to Chair- man Bailey, submitting a bill to amend the National School Act	5
Fuller, Dr. Edgar, executive secretary, Council of Chief State School Officers:	
Formal statement of	20
Langkop, Earl M., legislative chairman, American Food Service Association, statement by	22
Hochwalt, Rt. Rev. Msgr. Frederick G., director, Department of Education, National Catholic Welfare Conference, letter to Chair- man Bailey	31
Nygaard, Hon. Hjalmar C., a Representative in Congress from the State of North Dakota, letter to Chairman Bailey	30
State of Minnesota Legislature, resolution by	31
Stough, Ada Barnett, executive director, American Parents Com- mittee, Inc., testimony by	25

SCHOOL LUNCH PROGRAM

THURSDAY, AUGUST 31, 1961

HOUSE OF REPRESENTATIVES,
GENERAL SUBCOMMITTEE ON EDUCATION OF THE
COMMITTEE ON EDUCATION AND LABOR,
Washington, D.C.

The subcommittee met, pursuant to call, at 9:45 a.m., in room 429, Old House Office Building, Hon. Cleveland M. Bailey (chairman of the subcommittee) presiding.

Present: Representatives Bailey, Brademas, O'Hara, Quie, and Garland.

Also present: Robert E. McCord, subcommittee staff director.

Mr. BAILEY. The subcommittee will be in order.

The subcommittee has convened today for the purpose of hearing different proposals contained in H.R. 4688, H.R. 4764, H.R. 6209, and with particular reference to H.R. 8962 introduced by a member of the committee, Mr. O'Hara of Michigan.

(The bills referred to follow:)

[H.R. 4688, 87th Cong., 1st sess.]

A BILL To amend the National School Lunch Act to provide for a more equitable distribution of the fund available under such Act, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4 of the National School Lunch Act (42 U.S.C. 1753) is amended by inserting "(a)" after "Sec. 4." by striking out "Alaska, Territory of Hawaii, Puerto Rico, and the Virgin Islands" and inserting in lieu thereof "the Commonwealth of Puerto Rico, Guam, and the Virgin Islands". Section 4 of the National School Lunch Act is further amended by striking out the third, fourth, fifth, sixth, and seventh sentences thereof and inserting in lieu of such sentences the following new paragraphs:

"(b) Subject to the limitations imposed in subsection (d), apportionment among the States shall be made on the basis of two factors: (1) the participation rate for the State, and (2) the assistance need rate for the State. The amount of the apportionment to any State shall be determined by the following method: First, determine an index for the State by multiplying factors (1) and (2); second, divide this index by the sum of the indices for all the States; and third, apply the figure thus obtained to the total funds to be apportioned: *Provided, however,* That proportionate adjustments shall be made as necessary to provide that the sum available to any State is not less than 5 cents times the participation rate for such State.

"(c) For the purposes of this Act—

"(1) the participation rate of a State shall be the number of type A lunches served by participating schools in such State in the preceding fiscal year, as determined by the Secretary.

"(2) the assistance need rate of each State shall be determined by assigning a value of five to each of the States and by increasing the value of five for each State having an annual per capita income less than the average annual per capita income of all the States by the ratio that the average annual per capita income of each such State bears to the average annual per capita income of all the States, up to a maximum value of nine.

"(3) the per capita income figures used in determining the assistance need rates under this section shall be the average of those certified by the Depart-

ment of Commerce for the latest three years for which such figures are available.

"(4) 'school' means any public or nonprofit private school of high school grade or under and, with respect to Puerto Rico, shall also include nonprofit child-care centers certified as such by the Governor of Puerto Rico.

"(d) In the event that the amount available for apportionment under this section does not exceed an amount equal to 5 cents times the sum of the participation rates for all States, the assistance need rate for each State shall be the rate obtained by dividing the sum of the participation rates for all States into the amount available for apportionment under this section."

SEC. 2. Section 5 of the National School Lunch Act (42 U.S.C. 1754) is amended (1) by striking out "Alaska, Territory of Hawaii, Puerto Rico, and the Virgin Islands" and inserting in lieu thereof "the Commonwealth of Puerto Rico, Guam, and the Virgin Islands".

SEC. 3. Section 6 of the National School Lunch Act (42 U.S.C. 1755) is amended (1) by inserting "(a)" after "SEC. 6", (2) by striking out "for his administrative expenses" and inserting in lieu thereof "for use as provided in subsection (b)", and (3) by adding at the end thereof the following new subsection:

"(b) Two-sevenths of the funds made available for use as provided in this subsection may be granted by the Secretary to State educational agencies which request such funds for use by such agencies in meeting their administrative expenses. The amount which may be granted a State educational agency under this subsection may not exceed an amount which bears the same ratio to the total funds available for distribution under this subsection as that State's apportionment under section 4 for the year bears to the total funds being apportioned. The remainder of such funds may be used by the Secretary for his administrative expenses."

SEC. 4. The first sentence of section 9 of the National School Lunch Act (42 U.S.C. 1758) is amended to read as follows: "Lunches served by schools participating in the school lunch program for which reimbursements are paid under this Act shall meet minimum nutritional requirements prescribed by the Secretary for type A lunches on the basis of tested nutritional research."

SEC. 5. Section 10 of the National School Lunch Act (42 U.S.C. 1759) is amended by striking out "number of children between the ages of five and seventeen, inclusive, attending nonprofit private schools within the State is of the total number of persons of those ages within the State attending school" and inserting in lieu thereof the following: "participation rate for all nonprofit private schools within the State is of the participation rate for the State".

SEC. 6. Section 11(d)(1) of the National School Lunch Act (42 U.S.C. 1760) is amended by striking out "'State' includes any of the forty-eight States and the District of Columbia, Territory of Hawaii, Puerto Rico, Alaska, and the Virgin Islands", and inserting in lieu thereof the following: "'State' includes any of the fifty States and the Commonwealth of Puerto Rico, the District of Columbia, Guam, and the Virgin Islands".

SEC. 7. Section 11(c) of the National School Lunch Act (42 U.S.C. 1760) is amended by inserting after the words "materials of instruction" the words "on any State educational agency or".

SEC. 8. The amendments made by this Act shall take effect July 1, 1961.

[H.R. 4764, 87th Cong., 1st sess.]

A BILL To amend the National School Lunch Act to provide for a more equitable distribution of the funds available under such Act, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4 of the National School Lunch Act (42 U.S.C. 1753) is amended by inserting "(a)" after "(Sec. 4." by striking out "Alaska, Territory of Hawaii, Puerto Rico, and the Virgin Islands" and inserting in lieu thereof "the Commonwealth of Puerto Rico, Guam, and the Virgin Islands". Section 4 of the National School Lunch Act is further amended by striking out the third, fourth, fifth, sixth, and seventh sentences thereof and inserting in lieu of such sentences the following new paragraphs:

"(b) Subject to the limitations imposed in subsection (d), apportionment among the States shall be made on the basis of two factors: (1) the participation rate for the State, and (2) the assistance need rate for the State. The amount of the apportionment to any State shall be determined by the following method: First, determine an index for the State by multiplying factors (1) and (2); second,

divide this index by the sum of the indices for all the States; and third, apply the figure thus obtained to the total funds to be apportioned: *Provided, however,* That proportionate adjustments shall be made as necessary to provide that the sum available to any State is not less than 5 cents times the participation rate for such State.

“(c) For the purposes of this Act—

“(1) the participation rate of a State shall be the number of type A lunches served by participating schools in such State in the preceding fiscal year, as determined by the Secretary.

“(2) the assistance need rate of each State shall be determined by assigning a value of five to each of the States and by increasing the value of five for each State having an annual per capita income less than the average annual per capita income of all the States by the ratio that the average annual per capita income of each such State bears to the average annual per capita income of all the States, up to a maximum value of nine.

“(3) the per capita income figures used in determining the assistance need rates under this section shall be the average of those certified by the Department of Commerce for the latest three years for which such figures are available.

“(4) ‘school’ means any public or nonprofit private school of high school grade or under and, with respect to Puerto Rico, shall also include nonprofit child-care centers certified as such by the Governor of Puerto Rico.

“(d) In the event that the amount available for apportionment under this section does not exceed an amount equal to 5 cents times the sum of the participation rates for all States, the assistance need rate for each State shall be the rate obtained by dividing the sum of the participation rates for all States into the amount available for apportionment under this section.”

SEC. 2. Section 5 of the National School Lunch Act (42 U.S.C. 1754) is amended (1) by striking out “Alaska, Territory of Hawaii, Puerto Rico, and the Virgin Islands” and inserting in lieu thereof “the Commonwealth of Puerto Rico, Guam, and the Virgin Islands”.

SEC. 3. Section 6 of the National School Lunch Act (42 U.S.C. 1755) is amended (1) by inserting “(a)” after “SEC. 6”, (2) by striking out “for his administrative expenses” and inserting in lieu thereof “for use as provided in subsection (b)”, and (3) by adding at the end thereof the following new subsection:

“(b) Two-sevenths of the funds made available for use as provided in this subsection may be granted by the Secretary to State educational agencies which request such funds for use by such agencies in meeting their administrative expenses. The amount which may be granted a State educational agency under this subsection may not exceed an amount which bears the same ratio to the total funds available for distribution under this subsection as that State’s apportionment under section 4 for the year bears to the total funds being apportioned. The remainder of such funds may be used by the Secretary for his administrative expenses.”

SEC. 4. The first sentence of section 9 of the National School Lunch Act (42 U.S.C. 1758) is amended to read as follows: “Lunches served by schools participating in the school lunch program for which reimbursements are paid under this Act shall meet minimum nutritional requirements prescribed by the Secretary for type A lunches on the basis of tested nutritional research.”

SEC. 5. Section 10 of the National School Lunch Act (42 U.S.C. 1759) is amended by striking out “number of children between the ages of five and seventeen, inclusive, attending nonprofit private schools within the State is of the total number of persons of those ages within the State attending school” and inserting in lieu thereof the following: “participation rate for all nonprofit private schools within the State is of the participation rate for the State”.

SEC. 6. Section 11(d)(1) of the National School Lunch Act (42 U.S.C. 1760) is amended by striking out “‘State’ includes any of the forty-eight States and the District of Columbia, Territory of Hawaii, Puerto Rico, Alaska, and the Virgin Islands”, and inserting in lieu thereof the following: “‘State’ includes any of the fifty States and the Commonwealth of Puerto Rico, the District of Columbia, Guam, and the Virgin Islands”.

SEC. 7. Section 11(c) of the National School Lunch Act (42 U.S.C. 1760) is amended by inserting after the words “materials of instruction” the words “on any State educational agency or”.

SEC. 8. The amendments made by this Act shall take effect July 1, 1961.

[H.R. 6209, 87th Cong., 1st sess.]

A BILL To provide additional funds for carrying out the National School Lunch Act in the fiscal year 1961

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture is authorized to utilize from funds of the Commodity Credit Corporation an amount not to exceed \$10,000,000 for the purpose of carrying out the provisions of the National School Lunch Act (42 U.S.C. 1751-1760) during the remainder of the fiscal year 1961. Such sums shall be in addition to any funds heretofore appropriated for carrying out such Act in the fiscal year 1961.

SEC. 2. There is hereby authorized to be appropriated to the Commodity Credit Corporation an amount equal to the amount utilized by the Secretary of Agriculture pursuant to the provisions of the first section of this Act.

[H.R. 8962, 87th Cong., 1st sess.]

A BILL To revise the formula for apportioning cash assistance funds among the States under the National School Lunch Act, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the National School Lunch Act of 1946, as amended, is amended by revising section 3 to read as follows:

"(a) For each fiscal year there is hereby authorized to be appropriated, out of money in the Treasury not otherwise appropriated, such sums as may be necessary to enable the Secretary of Agriculture (hereinafter referred to as 'the Secretary') to carry out the provisions of this Act other than section 11.

"(b) For each fiscal year there is hereby authorized to be appropriated in addition to the sums authorized in subsection (a) above, out of money in the Treasury not otherwise appropriated, such sums as may be necessary to enable the Secretary to carry out the provisions of section 11 of this Act."

SEC. 2. Section 4 of the Act is revised to read as follows: "The sums appropriated for any fiscal year pursuant to the authorization contained in section 3(a) of this Act, excluding the sum specified in section 5, shall be available to the Secretary for supplying agricultural commodities and other foods for the program in accordance with the provisions of this Act. The Secretary shall apportion among the States during each fiscal year not less than 75 per centum of the funds made available for such year for supplying agricultural commodities and other foods under the provisions of section 3(a) of this Act. Apportionment among the States shall be made on the basis of two factors: (1) the participation rate for the State, and (2) the assistance need rate for the State. The amount of apportionment to any State shall be determined by the following method: First, determine an index for the State by multiplying factors (1) and (2); second, divide this index by the sum of the indices for all the States; and third, apply the figure thus obtained to the total funds to be apportioned. If any State cannot utilize all funds so apportioned to it, or if additional funds are made available under section 3(a) for apportionment among the States, the Secretary shall make further apportionments to the remaining States in the same manner. Notwithstanding the foregoing provisions of this section, for the fiscal year ending June 30, 1962, one-half of the funds available for apportionment among the States shall be apportioned on the basis of the factors used prior to such fiscal year, and one-half of such funds, and any funds available for further apportionments, shall be apportioned in accordance with the foregoing provisions."

SEC. 3. Section 5 of the Act is amended by striking out the last sentence thereof.

SEC. 4. Section 10 of the Act is amended by striking out "number of children between the ages of five and seventeen, inclusive, attending nonprofit private schools within the State is of the total number of persons of those ages within the State attending school" and inserting in lieu thereof the following: "participation rate for all nonprofit private schools within the State is of the participation rate for the State".

SEC. 5. Section 11 of the Act is redesignated as section 12 and subsection (d) thereof is amended to read as follows:

"For the purposes of this Act—

"(1) 'State' means any of the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam.

"(2) 'State educational agency' means, as the State legislature may determine, (a) the chief State school officer (such as the State superintendent

of public instruction, commissioner of education, or similar officer), or (b) a board of education controlling the State department of education.

"(3) 'Nonprofit private school' means any private school exempt from income tax under section 101(6) of the Internal Revenue Code, as amended.

"(4) 'Nonfood assistance' means equipment used by schools in storing, preparing, or serving food for school children.

"(5) 'Participation rate' means the number of lunches, meeting the minimum requirements of the type of lunch for which the maximum rate of reimbursement is authorized by the Secretary, served by participating schools in each State in the preceding fiscal year, as determined by the Secretary.

"(6) 'Assistance need rate' means that rate determined by assigning a value of five for each State having an annual per capita income less than the average annual per capita income of all the States by the ratio that the average annual per capita income of all the States bears to the per capita income of said State, up to a maximum value of nine. The per capita income figures shall be the average of those certified by the Department of Commerce for the latest three years for which such figures are available.

"(7) 'School' means any public or nonprofit private school of high school grade or under and, with respect to Puerto Rico, shall also include nonprofit child-care centers certified as such by the Governor of Puerto Rico."

SEC. 6. The following language is inserted after section 10 of the Act:

"SPECIAL ASSISTANCE

"SEC. 11. The sums appropriated pursuant to section 3(b) of this Act shall be used by the Secretary, under such terms and conditions as he deems to be in the public interest, to provide special assistance to needy schools for the purpose of helping them to meet the requirements established in this Act concerning the service of lunches to children unable to pay the full cost of the lunch."

SEC. 7. These amendments shall become effective July 1, 1961.

Mr. BAILEY. The general chairman having called a caucus in this room at 11 o'clock, we shall be hard put for time to conclude the hearing, so I trust all witnesses will understand that there is a time limit.

Without any further delay we shall hear from the first witness, Mr. Howard P. Davis, Deputy Director, Food Distribution Division, Agricultural Marketing Service, Department of Agriculture. Mr. Davis.

Mr. McCORD. Before Mr. Davis takes the stand, Mr. Chairman, might we have the permission of the committee to submit for the record, preceding Mr. Davis' testimony, a letter from Secretary of Agriculture Orville L. Freeman, addressed to you, transmitting a draft copy of the bill which Mr. O'Hara has introduced, together with the Department's section-by-section explanation of the bill.

Mr. BAILEY. If there is no objection, it will be accepted for inclusion in the record.

(The documents referred to follow:)

DEPARTMENT OF AGRICULTURE,
Washington, D.C., May 12, 1961.

HON. CLEVELAND M. BAILEY,
Chairman, General Subcommittee on Education, Committee on Education and Labor,
House of Representatives.

DEAR CONGRESSMAN BAILEY: The attached bill incorporates the principles outlined in the school lunch recommendations which were included in the President's farm message to the Congress (H. Doc. No. 109). We believe it will also meet the objectives outlined in your letter of February 17, 1961.

The bill incorporates the factor of participation into the formula for apportioning cash assistance funds among the States and provides for a transition period of 1 year before the new formula would become fully effective. A new section would be added to the National School Lunch Act which would provide for an additional appropriation of funds to provide special help to especially needy

schools. Also, the bill provides that, where it is necessary to initially divide a State's share of the total apportionment between public and private schools, the division should be based upon a participation factor. This was the method authorized in H.R. 13016, 86th Congress.

The bill provides that funds shall be apportioned among the States on the basis of the number of lunches served in each State in the preceding year, with the lower income States receiving relatively more per meal than average or above-average-income States. This is accomplished by applying a value of 5 to each lunch served in average or above-average-income States and a higher value (up to 9) in below-average-income States. At any appropriation level, therefore, the minimum rate assigned to any State would be the rate assigned to the average-income State. The minimum rate in any year would depend upon the amount made available for apportionment to the States in that year.

The bill provides for considerable administrative flexibility in developing the new program for especially needy schools. However, the percentage of free meals served to needy children would be one of the principal criteria for selecting the schools to receive such assistance.

The Bureau of the Budget advises that the enactment of this proposed legislation would be in accord with the President's program.

Sincerely yours,

ORVILLE L. FREEMAN, *Secretary.*

EXPLANATION OF THE BILL

This bill amends the National School Lunch Act in two principal respects: (1) It revises the method by which cash assistance funds are apportioned among the States and (2) it provides for a new appropriation authority in order to give additional assistance to especially needy schools. Most of these schools are located in economically depressed urban and rural areas.

The following is an explanation of each section of the bill:

Section 1: This section amends the appropriation authority in section 3 of the act. It adds a new authority to provide an additional annual appropriation to be used to help especially needy schools.

Section 2: This section revises the formula prescribed in section 4 of the act for the apportionment of cash assistance funds among the States.

The act now provides that the apportionment shall be based upon the number of school-age children in each State and the State's need for assistance as measured by its per capita income. This bill recognizes that the percentage of school-children actually participating in the programs varies considerably from State to State.

The bill provides that the number of lunches meeting the minimum requirements of what is now referred to as the "type A" lunch, served in each State during the preceding year, shall be a basis for the apportionment of funds, rather than the number of school-age children residing in each State. The milk-only or "type C" lunch is excluded in counting the number of lunches served. Relative need is taken into account by applying a value of 5 to each lunch served in those States with average or above-average per capita incomes and by increasing that value (up to a maximum of 9) for States with a per capita income below the national average.

For the fiscal year 1962, a transition period is provided. In that year, one-half of the funds made available for apportionment would be apportioned on the basis of the method now in effect and one-half of the amount would be apportioned under the new method proposed in this bill.

Section 3: This section amends section 5 of the act to provide for the same method of apportioning funds made available for nonfood (equipment) assistance as is provided in this bill for cash food assistance. (Congress has not appropriated funds for nonfood assistance since 1946-47).

Section 4: This section revises the method outlined in section 10 of the act for dividing the State's share of the cash assistance funds between public and private schools, when such a division is necessary because State statutes prevent the State agency from disbursing funds to private schools. The bill provides that the division shall be made on the basis of the number of type A lunches served in each type of school in the preceding year, resulting in the same average per meal rate in both public and private schools.

Section 5: This section amends section 11 of the act which is concerned with miscellaneous requirements and definitions. Section 11 is redesignated as section 12 and the definitions are revised and enlarged to add to the clarity of the act.

Section 6: This section adds a new provision to the act. It authorizes the Secretary of Agriculture to establish the terms and conditions under which additional assistance is to be provided to needy schools. Although the language provides considerable latitude to the Secretary in determining the schools eligible for such assistance, it is intended that the percentage of lunches served free to needy children should be one of the principal criteria.

STATEMENT OF HOWARD P. DAVIS, DEPUTY DIRECTOR, FOOD DISTRIBUTION DIVISION, AGRICULTURAL MARKETING SERVICE, DEPARTMENT OF AGRICULTURE

Mr. DAVIS. I am Howard P. Davis, Deputy Director of the Food Distribution Division, Agricultural Marketing Service, U.S. Department of Agriculture.

Our Division has the responsibility for administering the school lunch program among some other food distribution programs.

Mr. Chairman, I have a statement which I would like to make to the committee. I could read it or submit it in the interests of time, whichever you would prefer.

Mr. BAILEY. I would suggest that it be offered now for inclusion in the record in its entirety, and you take whatever time you need to touch the high points of your proposal.

(Mr. Davis' statement follows:)

STATEMENT OF HOWARD P. DAVIS, DEPUTY DIRECTOR, FOOD DISTRIBUTION DIVISION, AGRICULTURAL MARKETING SERVICE

We are pleased to appear again before this subcommittee to discuss changes in the National School Lunch Act. The changes proposed in the bill now under consideration meet with the approval of the Department.

At a hearing in August of last year before this subcommittee, we presented a detailed description of the origin and progress of the national school lunch program, together with a review of the principal feature of the enabling legislation. With that background, we feel we can begin today with a brief review of the current status of the program. (Also, in table I, selected program statistics are shown for 1946-47—the first year of operations under the act—and for 1960-61.)

Last year, 13.5 million children were participating in the program. This represents about 32 percent of the children enrolled in elementary and secondary schools. Almost 2.3 billion lunches were served to these children and 1 out of 10 of these lunches were served free or at reduced prices to children who could not afford to pay the full price of the lunch.

The total cost of the program last year was in excess of \$1 billion. The Federal contribution—in cash and commodity food assistance—totaled \$225 million. The remainder of the cost was financed by State and local sources, including the payments children made for their lunches.

The amount of Federal cash and commodity food assistance will be larger this year than in 1960-61. I should like to outline for you the amounts and sources of this assistance:

	<i>Fiscal year 1961-62 (millions)</i>
Appropriation:	
Cash food assistance.....	\$98. 6
Sec. 6 commodities.....	14. 4
Special commodity funds:	
Transfer from sec. 32.....	45. 0
Additional sec. 6 funds.....	10. 0
Sec. 32 and sec. 416 donations: Estimated cost.....	100. 0
Grand total.....	268. 0

With respect to the additional \$10 million made available for section 6 commodity purchases, the Congress authorized that up to \$2½ million can be used to inaugurate a program of special assistance to "needy schools which because of poor local economic conditions (1) have not been operating a school lunch program or (2) have been serving free or at substantially reduced prices at least 20 percent of the lunches to children."

The bill before this subcommittee is primarily concerned with a new formula for apportioning cash food assistance funds among the States and territories and with the addition of a new section to the National School Lunch Act which would authorize a program of special assistance for especially needy schools. Also involved is a new method of dividing a State's share of the total cash assistance funds between public and private schools in any State where State law is such as to make it necessary for the U.S. Department of Agriculture to administer the lunch program in private schools.

Federal cash assistance funds are used to help participating schools make local purchase of food for the lunch program.

Basically, the bill before this subcommittee is a modification of the two bills—sponsored by Chairman Bailey and Congressman Brademas—on which hearings were held last August. Following those hearings, Chairman Bailey requested the technical assistance of the Department in drafting a bill for the subcommittee which would accomplish the following:

1. Base the allocation formula on the rate of participation;
2. Provide for a minimum reimbursement rate for all States;
3. Set up a "need formula";
4. Revise the method of dividing funds between public and private schools; and
5. Add a new section or title providing for an additional authorization to assist those districts where, because of depressed economic conditions, it was necessary to serve an unusually large number of free lunches or where the price of the lunch is greatly reduced.

We felt the bill, as drafted for the subcommittee, was in line with the President's school lunch recommendations contained in his farm message to the Congress. It was subsequently submitted to the subcommittee with the approval of the Department and with advice from the Bureau of the Budget that the proposed legislation was in accord with the President's program. The Department did, however, recommend that a 1-year transition period be provided in order to assist in an orderly change between the old and new method of apportioning cash assistance funds. This provision is included in the bill now being considered.

The National School Lunch Act now prescribes the formula under which these cash assistance funds shall be apportioned among the States and territories. The formula involves two factors: (1) The school-age population in each State (a measure of the maximum potential size of the program) and (2) the relationship of each State's per capita income to national per capita income (a measure of the relative need of the various States for Federal assistance). The act provides that States shall use these funds to reimburse participating schools on the basis of the number of lunches served. The maximum allowable payment of 9 cents for a type A lunch has been established by Department regulation. In 1961-62, it is estimated that the national average Federal cash assistance rate will be 4.2 cents.

Because the program has grown faster in some States than in others, in actual practice the average per-meal rates of cash assistance any State is able to provide to its participating schools tends to be related more to the rate of program growth than to need, as measured by the per capita income of a State. Thus, a higher income State with below average participation may be able to provide its schools with a higher average per-meal payment than can a lower income State with above average participation. The first column of table II illustrates the effect of the current formula. States are ranked by income, from the highest to the lowest, together with the probable average per-meal rates of assistance that can be provided to schools by the various States this school year.

Likewise, the act now provides that when a State's share of the cash assistance funds must be divided between the public and private schools, such a division be based upon the relative number of children attending school in each type of school within the State. Here, too, variations in the rate of school lunch growth can result in differences within a State in the average rate of payment than can be provided to public schools by the State and to private schools by the Department. (This is a problem, of course, only in those States where it is necessary for the Department to administer the program in private schools.)

The bill before the subcommittee would take differences in the rate of program growth into account by introducing the factor of participation into the apportionment formula. The cash assistance funds would be apportioned among the States on the basis of the number of type A lunches served in each State in the preceding year, with below-average income States receiving relatively more assistance per meal than average or above-average income States.

In the proposed formula, the lower income States would be provided with a larger per meal allowance by applying a value of 5 to each lunch served in average or above-average income States and a higher value (up to a maximum of 9) in below-average income States. In table II there is shown the resulting per meal payments that would have been provided for 1962 under a total cash assistance fund of \$98.6 million, \$118.6 million, and \$139.9 million. (Table III shows the same data in dollar amounts.)

As table II illustrates, the minimum rate assigned to any State under the proposed formula is the rate assigned to the average income State. Also, the minimum rate in any year would depend upon the amount of funds made available by the Congress for apportionment to the States in that year. In 1961-62—referring again to table II—the minimum rate would be 3.5 cents at \$98.6 million; 4.2 cents at \$118.6 million, and 5 cents at \$139.9 million.

The same factor of participation—as measured by the number of type A meals served in the preceding year—would be used to divide funds between public and private schools within a State whenever such a division is necessary. This would result in the same average per meal rates of assistance for public and private schools, in those States in which the program in private schools, because of State law, is directly administered by the U.S. Department of Agriculture.

We have, as previously indicated, provided for a 1-year transition from the old to the new apportionment formula. For the first year, half of the cash assistance funds would be apportioned under the old formula and half under the new method. For the second year, the new formula would be fully effective. Table IV shows the possible apportionments to States under the current and proposed formula during the transition period.

One additional technical change is provided in the bill. Currently, the income factor is measured by the per capita income figures for the latest year that can be certified by the Department of Commerce. This bill provides that a 3-year moving average of per capita shall be used in the apportionment formula, using the latest 3 years available from Commerce. This change will help eliminate abrupt year-to-year changes that now may occur in a State's share of the available funds and, thus, help in the more orderly development of the program.

We feel that these changes are desirable in order to correct inequities that have developed, since 1947, in the application of the present apportionment formula. Currently, those States which have been most successful in extending the program to more schools and to more children have found themselves in the position of having to spread available cash funds thinner and thinner as the number of type A lunches steadily increased. This necessarily has served to impede further development of the program. We believe the proposed formula will provide an equitable basis for the division of the amount of cash assistance funds that the Congress annually will make available under the regular appropriation process.

The new section of the bill would authorize a specific annual appropriation under the act to provide special assistance to especially needy schools. This, of course, was one of the provisions originally requested by the subcommittee. We believe, also, that it would be a valuable addition to the enabling legislation.

We have become increasingly aware of the need to make some special provisions for those communities and those children that are least able to take advantage of the school lunch program. Under this bill, considerable administrative flexibility would be provided to the Department in developing the new program. We feel this is necessary. Also, we will gain considerable experience this year in administering the \$2½ million commodity fund that has been provided by the Congress for this purpose in the Department's 1961-62 appropriation bill.

Finally, the Department recommends a further addition to the bill in order to extend the school lunch program to American Samoa. Such an extension was recommended by the study mission to Eastern (American) Samoa, which was established pursuant to Senate Resolution 330, 86th Congress.

Almost 7,000 children are enrolled in elementary and secondary public and private schools in American Samoa. Development of the lunch program there may be slow and any rapid progress will probably depend upon the provision of

more adequate school facilities. Nonetheless, a beginning could be planned once Federal assistance was available.

Because of the absence of a participation record, special provision would need to be made for an allotment of funds to American Samoa under the proposed bill. It is recommended that for each of the 5 fiscal years following the revision in the formula, an initial reserve of up to \$25,000 be established for American Samoa. Thereafter, American Samoa would receive funds based upon actual participation. We are prepared to submit to the subcommittee language for an appropriate change in the language of the bill to accomplish this recommendation.

We appreciate the opportunity to make this statement and will be glad to answer any questions you may have.

TABLE I.—*Selected program statistics, fiscal years 1947 and 1961*

	Fiscal year 1947	Fiscal year 1961 prelim- inary
1. Total school enrollment (including territories)-----	26,606,077	42,204,978
2. Participation:		
(a) Number of schools-----	34,144	63,961
(b) Number of children-----	4,545,129	13,453,410
(c) Number of children as a percent of total enrollment-----	17	31.9
3. Local food purchases by schools-----	\$128,648,278	\$575,000,000
4. Total cost of program:		
A. Federal contribution:		
(a) Cash payments to States-----	¹ 59,896,235	93,746,304
(b) Sec. 6 procurement-----	5,735,269	59,634,000
(c) Surplus commodities-----	2,312,479	71,700,000
(d) Administration-----	2,075,000	1,766,000
Total, Federal-----	70,018,983	226,846,304
B. State contributions:		
(a) Children's payments-----	112,540,000	610,000,000
(b) State and local government-----	20,616,000	110,000,000
(c) Other local-----	17,532,000	140,000,000
Total, State-----	150,688,000	860,000,000
C. Grand total, cost of program-----	¹ 220,706,983	1,086,846,304

¹ Does not include \$9,702,990 for equipment.

TABLE II.—Average per meal rate of assistance under present formula for apportionment and under proposed formula

[Cents]

State ¹	With a cash assistance fund of— ²			
	\$98,600,000		\$118,600,000	\$139,900,000
	Present method	Proposed method	Proposed method	Proposed method
Delaware.....	3.0	3.5	4.2	5.0
District of Columbia.....	8.5	3.5	4.2	5.0
Connecticut.....	3.9	3.5	4.2	5.0
Nevada.....	4.9	3.5	4.2	5.0
New York.....	3.4	3.5	4.2	5.0
California.....	5.0	3.5	4.2	5.0
Alaska.....	5.4	3.5	4.2	5.0
New Jersey.....	6.8	3.5	4.2	5.0
Illinois.....	4.6	3.5	4.2	5.0
Massachusetts.....	3.8	3.5	4.2	5.0
Maryland.....	4.2	3.5	4.2	5.0
Ohio.....	4.3	3.5	4.2	5.0
Michigan.....	5.6	3.5	4.2	5.0
Washington.....	3.7	3.5	4.2	5.0
Colorado.....	3.3	3.5	4.2	5.0
Pennsylvania.....	4.9	3.5	4.2	5.0
Oregon.....	3.4	3.5	4.2	5.0
Wyoming.....	3.3	3.5	4.2	5.0
Missouri.....	3.0	3.5	4.2	5.0
Rhode Island.....	7.9	3.6	4.3	5.1
Indiana.....	3.8	3.6	4.3	5.1
Hawaii.....	1.9	3.7	4.4	5.2
Wisconsin.....	4.3	3.7	4.4	5.2
Nebraska.....	3.9	3.7	4.5	5.3
New Hampshire.....	4.4	3.8	4.6	5.4
Minnesota.....	3.1	3.8	4.6	5.3
Kansas.....	3.7	3.8	4.6	5.4
Montana.....	5.3	3.8	4.6	5.4
Arizona.....	3.9	3.9	4.7	5.6
Iowa.....	2.9	3.9	4.7	5.6
Guam.....	5.4	4.0	4.8	5.7
Florida.....	3.0	4.0	4.8	5.7
Texas.....	5.8	4.0	4.8	5.7
Utah.....	3.8	4.1	4.9	5.8
Maine.....	4.6	4.2	5.1	6.0
Vermont.....	5.9	4.2	5.1	6.0
Virginia.....	3.9	4.2	5.1	6.0
Oklahoma.....	4.1	4.2	5.1	6.0
Idaho.....	4.3	4.2	5.1	6.0
New Mexico.....	4.6	4.3	5.2	6.1
South Dakota.....	5.1	4.4	5.3	6.3
North Dakota.....	3.4	4.4	5.3	6.3
West Virginia.....	5.2	4.7	5.6	6.6
Louisiana.....	2.6	4.7	5.7	6.7
Georgia.....	3.3	4.9	5.9	7.0
North Carolina.....	3.4	5.1	6.1	7.2
Tennessee.....	4.5	5.1	6.1	7.2
Kentucky.....	4.0	5.1	6.1	7.2
Alabama.....	4.6	5.4	6.4	7.6
South Carolina.....	3.9	5.7	6.9	8.1
Arkansas.....	4.5	5.8	7.0	8.3
Mississippi.....	5.2	6.3	7.6	9.0
Virgin Islands.....	3.7	6.3	7.6	9.0
Puerto Rico.....	8.1	6.3	7.6	9.0
U.S. total.....	4.2	4.2	5.0	5.9

¹ States ranked in order from highest to lowest per capita income average for latest 3 years: 1958, 1959, 1960.² Based on estimated meals in fiscal year 1962.

TABLE III.—*Payments to States under present formula for apportionment and under proposed formula*

[Thousands of dollars]

State ¹	With a cash assistance fund of—			
	\$98,600,000		\$118,600,000 \$139,900,000	
	Present method	Proposed method	Proposed method	Proposed method
Delaware.....	159	186	224	264
District of Columbia.....	215	89	108	126
Connecticut.....	926	833	1,002	1,182
Nevada.....	106	76	92	108
New York.....	5,834	6,070	7,302	8,614
California.....	6,143	4,376	5,263	6,209
Alaska.....	92	60	72	84
New Jersey.....	2,325	1,209	1,454	1,716
Illinois.....	3,977	3,079	3,704	4,369
Massachusetts.....	2,079	1,935	2,327	2,745
Maryland.....	1,455	1,222	1,470	1,734
Ohio.....	4,569	3,738	4,496	5,304
Michigan.....	3,858	2,423	2,915	3,438
Washington.....	1,392	1,330	1,600	1,887
Colorado.....	873	926	1,114	1,314
Pennsylvania.....	5,257	3,757	4,519	5,332
Oregon.....	893	938	1,128	1,331
Wyoming.....	175	191	230	270
Missouri.....	2,049	2,376	2,858	3,372
Rhode Island.....	395	180	217	256
Indiana.....	2,402	2,295	2,760	3,256
Hawaii.....	354	677	815	961
Wisconsin.....	2,063	1,765	2,124	2,505
Nebraska.....	734	714	859	1,013
New Hampshire.....	313	269	323	381
Minnesota.....	1,910	2,349	2,825	3,333
Kansas.....	1,161	1,185	1,426	1,681
Montana.....	406	291	350	412
Arizona.....	807	822	989	1,668
Iowa.....	1,567	2,078	2,499	12, 94
Guam.....	72	54	65	76
Florida.....	2,671	3,605	4,336	5,115
Texas.....	5,820	4,077	4,904	5,785
Utah.....	604	650	782	922
Maine.....	580	532	640	755
Vermont.....	237	172	207	243
Virginia.....	2,460	2,663	3,203	3,779
Oklahoma.....	1,406	1,448	1,742	2,055
Idaho.....	465	460	553	652
New Mexico.....	697	659	792	934
South Dakota.....	426	372	447	527
North Dakota.....	430	559	672	792
West Virginia.....	1,366	1,236	1,487	1,754
Louisiana.....	2,501	4,491	5,402	6,373
Georgia.....	2,988	4,485	5,394	6,364
North Carolina.....	3,598	5,364	6,452	7,611
Tennessee.....	2,686	3,044	3,661	4,319
Kentucky.....	2,342	2,966	3,567	4,208
Alabama.....	2,779	3,241	3,898	4,599
South Carolina.....	2,270	3,343	4,021	4,743
Arkansas.....	1,582	2,053	2,469	2,913
Mississippi.....	2,403	2,966	3,568	4,209
Virgin Islands.....	38	64	77	91
Puerto Rico.....	3,690	2,657	3,196	3,770
U.S. total.....	98,600	98,600	118,600	139,900

¹ States ranked in order from highest to lowest per capita income average for latest 3 years: 1958, 1959, 1960.

TABLE IV.—*Payments to States under present formula for apportionment and under proposed formula during transition period*¹

[Thousands of dollars]

State ²	With a cash assistance fund of—			
	\$98,600,000		\$118,600,000 \$139,900,000	
	Present method	Proposed method	Proposed method	Proposed method
Delaware.....	159	172	208	245
District of Columbia.....	215	152	183	216
Connecticut.....	926	879	1,058	1,248
Nevada.....	106	91	110	130
New York.....	5,834	5,952	7,160	8,445
California.....	6,143	5,259	6,326	7,462
Alaska.....	92	76	91	107
New Jersey.....	2,325	1,767	2,125	2,507
Illinois.....	3,977	3,528	4,244	5,006
Massachusetts.....	2,079	2,007	2,414	2,848
Maryland.....	1,455	1,339	1,610	1,899
Ohio.....	4,569	4,154	4,996	5,894
Michigan.....	3,858	3,140	3,778	4,456
Washington.....	1,392	1,361	1,637	1,931
Colorado.....	873	900	1,082	1,277
Pennsylvania.....	5,257	4,507	5,421	6,395
Oregon.....	893	916	1,101	1,299
Wyoming.....	175	183	220	260
Missouri.....	2,049	2,212	2,661	3,139
Rhode Island.....	395	288	346	408
Indiana.....	2,402	2,349	2,825	3,332
Hawaii.....	354	516	620	732
Wisconsin.....	2,063	1,914	2,303	2,716
Nebraska.....	734	724	871	1,027
New Hampshire.....	313	291	350	412
Minnesota.....	1,910	2,129	2,561	3,021
Kansas.....	1,161	1,173	1,411	1,665
Montana.....	406	348	419	494
Arizona.....	807	815	980	1,156
Iowa.....	1,567	1,822	2,192	2,585
Guam.....	72	63	76	90
Florida.....	2,671	3,138	3,774	4,452
Texas.....	5,820	4,949	5,952	7,021
Utah.....	604	627	754	889
Maine.....	580	556	669	789
Vermont.....	237	205	246	290
Virginia.....	2,460	2,562	3,081	3,635
Oklahoma.....	1,406	1,427	1,717	2,025
Idaho.....	465	462	556	656
New Mexico.....	697	678	815	962
South Dakota.....	426	399	480	566
North Dakota.....	430	494	595	701
West Virginia.....	1,366	1,301	1,565	1,846
Louisiana.....	2,501	3,496	4,205	4,960
Georgia.....	2,988	3,736	4,494	5,301
North Carolina.....	3,598	4,481	5,390	6,358
Tennessee.....	2,686	2,865	3,446	4,065
Kentucky.....	2,342	2,654	3,192	3,766
Alabama.....	2,779	3,010	3,621	4,271
South Carolina.....	2,270	2,806	3,376	3,982
Arkansas.....	1,582	1,818	2,186	2,579
Mississippi.....	2,403	2,685	3,229	3,809
Virgin Islands.....	38	51	61	72
Puerto Rico.....	3,690	3,173	3,817	4,503
U.S. total.....	98,600	98,600	118,600	139,900

¹ Represents an apportionment of funds, ½ under the present formula and ½ under the proposed formula.² States ranked in order from highest to lowest per capita income average for latest 3 years: 1958, 1959, 1960.

Mr. DAVIS. Essentially, this bill is of course designed to provide a more equitable apportionment of the school lunch funds among the States. To do that, we feel we have outgrown the previous legislation which provided for that apportionment on the basis of child population plus relative per capita income of the States. At this point it would be much more equitable to apportion the money among the States, as provided in the bill, on the basis of actual participation in the program plus the relative need of the State.

By apportioning it on the basis of the actual participation in the program, we feel that we are giving recognition to those areas that have made greater progress in extending the school lunch to more children rather than, under the old formula, penalizing them by forcing them to divide their money among more children.

The new bill would provide the money on the basis of the number of children among whom the money would be divided in reimbursement payments for lunches.

Essentially, that is what this bill does.

In order to minimize the impact of certain changes this bill will bring about in the amount of money the several States will get the first year, we would like to provide an interim arrangement whereby the new formula would be applied toward half the total available funds, and the old formula to the other half.

The other basic feature of the bill would make provision for use of part of the appropriation for special assistance to especially needy schools throughout the country. In working with the formula, trying to develop the new formula, we found that, regardless of the method we used for apportioning the money, there still remained the problem of some very needy school that would not receive enough to provide free meals or reduced-cost meals to all the children who needed it. The bill provides for some special assistance funds out of the annual appropriations.

The formula is so designed that for those States at or above the average per capita income for the Nation, there will be a certain minimum amount of money based on participation, and those States which are under the national average will get varying amounts based on the need of the State.

I believe that is about all I would need to say at this point, Mr. Chairman. I would be glad to answer any questions the committee might have.

Mr. BAILEY. I would suggest that the witness review briefly the status of the School Lunch Act at the present time. I notice you deal with it on the first page of your formal presentation. Give us a little résumé of that.

Mr. DAVIS. Our estimates for the current fiscal year are that the average payment per meal will probably run about 4.2 cents. This is based upon an increased appropriation this year which will provide cash assistance, to be apportioned among the States, of \$98.6 million. In addition to that, the current appropriation will provide for \$14.4 million for special purchases as provided in the act. In addition, the Congress added to the original appropriation \$10 million additional for food purchases under section 6 of the act. Further, they provided for \$45 million to be transferred from section 32, also for direct purchases of food to be distributed to the States.

This, of course, is all in addition to the commodities which will be made available to the schools as a result of surplus removal purchases and our price-support program. Our present estimate is that this quantity will represent a cost of about \$100 million, or in total the Federal assistance will run to \$268 million. We estimate approximately 13½ million children will participate this year, and this represents, I believe, somewhat more than 31 percent of the school enrollment.

Mr. BAILEY. I note the comments on page 2 of your presentation with respect to the additional \$10 million made available for section 6 commodity purposes. Is the \$2½ million in addition to the \$14.4 million, or is that included in the \$14.4 million in your breakdown?

Mr. DAVIS. No, sir; that is included in the \$10 million additional which I mentioned, which was made available for direct purchases this year. There was quite a bit of legislative history to that \$10 million. As I recall, in the House appropriations bill, I believe they added \$10 million in cash to be used for special assistance. When the Senate reported the bill out, they deleted the \$10 million. In conference they put the \$10 million back in, but made the \$10 million available not as cash but for the purpose of purchasing food nationally and shipping it out to the schools, with the further provision that up to \$2½ million of that \$10 million could be used to make purchases to be used for special assistance for especially needy schools.

Mr. BAILEY. Will you go into that somewhat in detail, stating the purpose of that program.

Mr. DAVIS. We have not yet worked out all of the program details, just how the \$2½ million will be expended. However, we had a group of representative State directors, both our direct distribution program and our school lunch program, in Washington last week to give us their best suggestions on how we might go about using this \$2½ million worth of commodities to aid these particularly needy schools. As a result of that, they recommended that perhaps our first priority or our first aim should be in the nature of special purchases which would enable schools which do not now have a school lunch program to initiate one.

Mr. BAILEY. May I interrupt to inquire how many of the States do not have a program?

Mr. DAVIS. All of the States have the school lunch program. Actually, the school lunch program is available in schools which represent about two-thirds of the Nation's enrollment. About half of those two-thirds actually participate in the program, on the average. Of course, many of those children participate part of the time during the year. All of the States have the national school lunch program, including Puerto Rico, the Virgin Islands, and Guam. They all have tried to provide, to the extent they were able, for free lunches for those children who could not afford them. However, as you well know, in certain sections of certain States there are areas which are in extremely difficult economic condition, and their requirement for free meals is so great that some schools just cannot afford a program at all.

Mr. BAILEY. I think that is the situation in my State particularly.

Mr. DAVIS. In many areas; yes, sir.

Mr. BAILEY. There are too many free meals involved.

Mr. DAVIS. We requested cash to attempt to meet this problem over and above the regular school lunch program. With the com-

modities we will try to carry out the same aim. This probably will take the nature of, let us say, special purchases which would enable a school with no equipment to serve at least a bag lunch, always remembering that we would try in all instances to enable the school to serve a lunch which would meet the same nutrition requirements as the regular lunch, but it might be served in a little different form. Through the assistance we might give with those special purchases, it would be possible; whereas it might not be possible with the commodities we already have available.

Mr. BAILEY. Have you some questions, Mr. Brademas?

Mr. BRADEMAS. No questions, Mr. Chairman.

Mr. BAILEY. Mr. Quie.

Mr. QUIE. Mr. Davis, will you tell me what section 416 donations are? I have forgotten.

Mr. DAVIS. Section 416 is a section of the Agricultural Act of 1949 which has since been incorporated in Public Law 480 in title III and further amended many times. It is the authority under which the Commodity Credit Corporation, when the inventory stocks which it has acquired under the price support program cannot be sold back into the market without disrupting the market, may donate the commodities, first to schools, institutions, and needy families in this country, and then this is also the authority under which we donate through the U.S. voluntary agencies to needy persons overseas.

Mr. QUIE. This is the same program by which we donate to welfare agencies?

Mr. DAVIS. Yes, sir.

Mr. QUIE. It goes first to school lunches, and then to welfare agencies in this country?

Mr. DAVIS. Yes, sir; that is correct. Of course, the commodities donated under this authority are just those for which there is a price support program, such as dairy products. We acquire flour, cornmeal, rice, and a number of other commodities under this section 416 authority. For the perishable groups, those not under price support, if the market conditions warrant, we use section 32 money for surplus removal purchases. Commodities so acquired are also distributed to the schools, and then in some instances to needy families in this country.

Mr. QUIE. What commodities will be available under title III of Public Law 480 in this coming school year, do you think?

Mr. DAVIS. Butter, cheese, nonfat dry milk, rice, flour, cornmeal.

Mr. QUIE. Will there be enough of all these commodities to fulfill all the needs of our school lunch donations and welfare programs in this country and enough for overseas as well, of all of these six commodities?

Mr. DAVIS. We will have enough of all of them for our domestic program. Only a few of them will be available for oversea donation—flour, cornmeal, some rice (we are not sure how much at this point), and nonfat dry milk. As far as we know at this time, no butter and no cheese.

Mr. QUIE. In the fiscal year 1961-62, you have an estimated cost of \$100 million for sections 32 and 416 donations. How much of this is section 416 donations?

Mr. DAVIS. I believe possibly one-third. I would want to check that. I do not have that breakdown with me. Part of this depends

on whether or not we use section 32 money to purchase from Commodity Credit for the purpose of donating. There is a fiscal paperwork technicality to that. So we may draw more on section 416 funds and less on section 32, depending on the availability of the section 32 money.

Let me say in the past we have used section 32 money to purchase a commodity from the Commodity Credit Corporation and then donate it. In the final analysis, the Commodity Credit Corporation is made whole. The expenditure is from section 32.

Mr. QUIE. On page 2, you show transfer from section 32. Is that the transaction?

Mr. DAVIS. This is in addition; the funds, which this year amount to \$45 million, which were authorized to be transferred from section 32 to the school lunch appropriation for the purposes of section 6 of the School Lunch Act, which means that rather than being available only for commodities which are in marketing difficulty, which are surplus, we can use this \$45 million the same way we use the school lunch appropriation; in other words, to buy foods which the schools want and we feel the program needs—with one extra admonition from Congress in the legislative history of this transfer, that insofar as possible we would use it for those commodities which are perhaps on the borderline of being in surplus, all other things being equal.

Mr. QUIE. What is the limiting factor on your transfer of section 32 funds? Is it the authorization of \$45 million?

Mr. DAVIS. It is in the Agriculture appropriation language. In addition to the \$125 million appropriation, there is also authorized to be transferred from section 32 \$45 million to be used for the purposes of section 6 of the National School Lunch Act.

Mr. QUIE. This is in the appropriation bill, is that right?

Mr. DAVIS. Yes, sir; in the Agriculture Appropriation Act.

Mr. QUIE. That is all the questions I have, Mr. Chairman.

Mr. BAILEY. Mr. Garland.

Mr. GARLAND. I have no questions. I offer my apologies for coming in late this morning. I was tied up in the office.

Mr. BAILEY. Have you any brief questions you might ask at this time, Mr. O'Hara?

Mr. O'HARA. I will not take any further time. I want to thank Mr. Davis for his testimony.

Under this new allocation formula would we expect, and the new special assistance provisions to particularly needy schools and communities, there would be a request for a somewhat larger appropriation in the next budget request that we receive?

Mr. DAVIS. Of course, the Department is currently in the process of developing its 1963 budget for presentation to the Budget Bureau and the President. The President has made it quite clear that he regards the school lunch program as important, that he would like us to exert every effort we could to reach all of the children who need a lunch, and I am sure all of these things will be taken into consideration when the budget estimates are submitted, along with all of the other many urgent needs for the Department.

Mr. O'HARA. Thank you, Mr. Davis. I have great confidence in these proposals and in the progress which has been made under the school lunch program. I hope the adoption of this legislation will help the Department to further improve the program. I am looking

forward to making this of more advantage to more children in the future.

Mr. DAVIS. Thank you.

Mr. BAILEY. I notice at the top of page 4 you state:

We felt the bill, as drafted for the subcommittee, was in line with the President's school lunch recommendations contained in his farm message to the Congress. It was subsequently submitted to the subcommittee with the approval of the Department and with advice from the Bureau of the Budget that the proposed legislation was in accordance with the President's program. The Department did, however, recommend that a 1-year transition period be provided in order to assist in an orderly change between the old and new method of apportioning cash assistance funds.

What do you mean by "a 1-year transition period"?

Mr. DAVIS. First of all, the bill as drafted will provide, we feel, a more equitable distribution of funds regardless of the level of the appropriation. However, there will obviously be some rather sharp adjustments for some States. At the current level of the appropriation this would mean a fair reduction in the amount of money some States would get in order to give additional money to States with higher participation and greater need.

In order to cushion the shock of some of these possible reductions we felt it would be advisable to take it in one step and apply the formula for only half of the funds for the first year in order to make these reductions in funds a little less the first year to enable the States to adjust their budgets to give them time perhaps to go back to their legislatures or their local government bodies, so it is merely a device to make the transition less sharp and to give the States a little more time to adjust to whatever reduction they might find is necessary.

Mr. BAILEY. Would you stay in the committee room for a while if it is not an inconvenience? We may have further questions.

Mr. QUIE. Do you project any substantial increase in the number of schools which will participate in the school lunch program or has this been a pretty steady increase each year?

Mr. DAVIS. A rather steady increase over the past 4 or 5 years, I would say, somewhere between 6 and 8 percent increase each year. That is against an increase in school population of around 3 or 4 percent each year. That increase would have a bearing on the increase of the participation in the school lunch program as well. It has been running around 6 to 8 percent, and at this time I believe we would project for 1963 perhaps a 6-percent increase again.

Mr. QUIE. What would you project 5 years from now? You state this represents 32 percent of the children enrolled now. What would you think would be the number receiving school lunches 5 years from now?

Mr. DAVIS. Looking back over the 15-year history of the program under this act it would appear to us that probably it would continue to run somewhere close to one-third of the total population.

There are many factors that affect participation. It may possibly increase much faster in the next 5 years than it has in the last 5 years. Partially that would depend on a matter which I imagine this committee has been concerned with, and that is the building of more consolidated schools and a fewer number of one-room schools. There has been a marked trend in that direction for some time. This would tend to put more of the children in schools which might have facilities

for preparing and serving lunches, so that the proportion might very well go up somewhat.

Mr. QUIE. That is all I have.

Mr. O'HARA. Mr. Davis, the proposed new allocation formula would not affect the method of distribution of commodities under section 32 or section 416, would it?

Mr. DAVIS. No, sir. I perhaps should have mentioned that we do distribute those on the basis of participation already.

Mr. O'HARA. Without regard to any income weighting?

Mr. DAVIS. That has been on the basis of participation. We have, however, been encouraging the States within the State to distribute their commodities somewhat on the basis of need and to give more of some of these section 6 commodities particularly to schools which have greater need.

On the section 32 and 416 commodities for the most part they can get as large a quantity of those commodities as they can use now. However, under section 6 where we are definitely limited we have been urging them to give needy schools more of those.

Mr. BAILEY. I am sure the members of the subcommittee appreciate your coming here and giving us a forthright and factual statement of what is proposed in amending the present hot lunch program for schools.

As consideration proceeds we shall expect to keep in close touch with the Department. We trust you will be available to come back and give us any additional information we might need.

Mr. DAVIS. I would be most happy to, Mr. Chairman. I might say we have been very gratified with the interest of this committee and their assistance in this matter. I think we will come up with something which will be quite an improvement.

Mr. BAILEY. Thank you. I hope your aspirations come about.

Mr. DAVIS. There is one matter I neglected to mention. It is in the statement I submitted in the beginning.

However, the Department would like very much to go on record as being in favor of including American Samoa in this legislation.

I believe the bill as it is written at the moment does not include that.

Mr. BAILEY. Would you mind preparing the necessary legislation to include them?

Mr. DAVIS. I shall do that.

Mr. BAILEY. Very well. Submit it to us. After the hearings we will no doubt have a clean bill which we will be able to use.

(The information referred to follows:)

SUGGESTED AMENDMENT TO BILL

1. The definition of "State" in section 5 of the bill should be amended to read as follows:

"(1) 'State' means any of the fifty States, the District of Columbia, Puerto Rico, the Virgin Islands, and American Samoa."

2. The last sentence of section 2 of the bill should be amended to read as follows:

"Notwithstanding the foregoing provisions of this section, (1) for the fiscal year beginning June 30, 1962, one-half of the funds available for apportionment among the States shall be apportioned on the basis of the factors used prior to such fiscal year, and one-half of such funds, and any funds available for further apportionments, shall be apportioned in accordance with the foregoing provisions, and (2) for the five fiscal years beginning June 30, 1962, the amount apportioned to American Samoa shall be \$25,000 each year, which amount shall be first deducted from the funds available for apportionment in determining the amounts to be apportioned to the other States."

Mr. BAILEY. The next witness is Dr. Edgar Fuller, executive secretary, Chief State School Officers.

**STATEMENT OF DR. EDGAR FULLER, EXECUTIVE SECRETARY
COUNCIL OF CHIEF STATE SCHOOL OFFICERS**

Dr. FULLER. Mr. Chairman and members of the committee, I believe in the interest of saving time, with your permission I will file a very short statement which I have here, and a statement from the American School Food Service Association, which that association has asked me to file. It is a brief statement representing the recent vote of the association which has 25,000 members in all of the States. It also includes a State director of the school lunch administration who works with the State directors of all the States as well as with the 25,000 members of the American School Food Service Association. There is a short statement here they have asked me to file in their behalf.

Mr. BAILEY. If there is no objection we shall accept the statement and include it in the official record.

We shall also include your formal statement. You may proceed to comment on your statement.

(The statements referred to follow:)

**FORMAL STATEMENT OF DR. EDGAR FULLER, EXECUTIVE SECRETARY, COUNCIL
OF CHIEF STATE SCHOOL OFFICERS**

Mr. Chairman and members of the committee, I am Edgar Fuller, executive secretary of the Council of Chief State School Officers, an independent educational organization with an office of three persons here in Washington. Members of the council are the State superintendents and State commissioners of all the States and the chief school officers of the Commonwealth of Puerto Rico, Guam, Canal Zone, and the Virgin Islands. They are the State administrators of the national school lunch program in all States for the public schools, and also for private elementary and secondary schools in 26 of the 55 jurisdictions. We appreciate the opportunity to appear here today.

Mr. Chairman, the council supports the general position of the Department of Agriculture on this legislation. This was not true in the hearings held August 23-24, 1960, and we are greatly pleased about the developments since then. I have only a few comments and one addition to H.R. 8962 to suggest.

I have been requested to present a statement for the record that supports the legislation on behalf of the American School Food Service Association, the 25,000-member professional organization of school lunch personnel throughout the United States. Its officers regret their inability to be here. Mr. Chairman, we would appreciate it if this statement could follow ours in the record of the hearings.

FEDERAL FUNDS FOR STATE ADMINISTRATION

Mr. Chairman, we respectfully suggest that a new section 4 be added to the administration's bill, as follows, and that the present sections 4 through 8 be renumbered 5 through 9:

"SEC. 4. Section 6 of the National School Lunch Act (42 U.S.C. 1755) is amended (1) by inserting '(a)' after 'Sec. 6', (2) by striking out 'for his administrative expenses' and inserting in lieu thereof 'for use as provided in subsection (b)', and (3) by adding at the end thereof the following new subsection:

"(b) Two-sevenths of the funds made available for use as provided in this subsection may be granted by the Secretary to State educational agencies which request such funds for use by such agencies in meeting their administrative expenses. The amount which may be granted a State educational agency under this subsection may not exceed an amount which bears the same ratio to the total funds available for distribution under this subsection as that State's apportionment under section 4 for the year bears to the total funds being apportioned: *Provided, however,* That no State shall receive an amount smaller than \$5,000 or

larger than \$50,000 in any fiscal year. The remainder of such funds may be used by the Secretary for his administrative expenses.' ”

There are no adequate statistics for all States to show how much is spent from State funds for State administration of the National School Lunch Act. It is certain that many of the State educational agencies are understaffed and that lunch program efficiency suffers as a result.

The present act provides that the Secretary of Agriculture may withhold $3\frac{1}{2}$ percent of the appropriation for Federal administration. This remains the same under H.R. 8962. We propose that two-sevenths of the Secretary's allotment of funds for administration, which is roughly equivalent to 1 percent of the cash grants to each State, be allocated to State departments of education for State administrative costs, upon application by the States and approval by the Secretary. The remaining five-sevenths, which is equal to about $2\frac{1}{2}$ percent of the total grants to the States, would provide more for Federal administration than has ever been used for that purpose.

We propose a minimum of \$5,000 and a maximum of \$50,000 annually for each State. The total Federal funds required to finance this section would be about \$1,250,000 if all States and territories apply for the funds. The lower amount is a minimum for effective assistance in any jurisdiction, however small, and the maximum of \$50,000 annually is a reasonable amount of assistance for the largest States. The total Federal funds required would be less with these upper and lower limits in effect than would otherwise be required under the proposed new section 4.

Lack of State administrative funds stands first among the reasons why some States have never fully assumed their responsibilities as intended by the act and by the 1947 agreement between the chief State school officers and the Secretary of Agriculture.

Consider, for instance, the problem of auditing. Both State and Federal policies call for the States to assume primary responsibility for auditing, but less than half the States have done so since 1947. One reason is that some legislatures and State fiscal officers find it easier to allow the Federal Government to perform this function than to budget State funds for their lunch divisions. Thus the agreement to transfer full administrative responsibilities to the States, reached in order to minimize any possibilities of undesirable Federal controls over school lunch programs, are nullified by the inability or failure of the States to assume their full responsibilities.

Another problem concerns administrative reviews of local lunchrooms by the States. In many States this necessary service is scarcely adequate to support full State responsibility to the Federal Government. The Department of Agriculture requests that administrative reviews be conducted by the State in 30 percent of its local lunch programs annually, but “performance surveys” conducted by mail by the State department of education may be substituted for 50 percent of these administrative reviews. This is another situation that, in many instances, calls for more effective State administration. The new emergency section 11 of the bill will also place heavy additional responsibilities upon the State administrators of the school lunch and food distribution programs.

One may wonder why many State departments of education are so hard pressed financially that they are unable to do what their own policies indicate. The fact is that it is difficult for many departments to employ appropriate personnel to meet their rapidly increasing obligations. In competition for personnel with the school lunch divisions in State departments of education are a number of federally subsidized State programs such as vocational rehabilitation, vocational education and several branches of the National Defense Education Act. Federal funds build up the staffs of State departments of education in these areas, but not in the school lunch divisions.

Thus the school lunch division competes for the State tax dollar under great handicaps. The States have to pay the entire cost for additional school lunch personnel, while Federal matching funds ease the way for their competitors. Surveys of State staffing indicate that these Federal matching funds have tremendous influence in the staffing of State departments of education.

A large majority of chief State school officers believe, Mr. Chairman, that such an amount to insure more State autonomy and efficiency in administration would benefit the lunch program more than a similar amount used otherwise. We ask for your special consideration of the State departments of education and their serious need in many instances for assistance in order to improve State administration of the national school lunch program.

We thank you very much for the opportunity to present this statement.

STATEMENT BY MR. EARL M. LANGKOP, LEGISLATIVE CHAIRMAN, AMERICAN SCHOOL FOOD SERVICE ASSOCIATION

On behalf of the 25,000 members of the American School Food Service Association in all States of the Union, I wish to express appreciation for this opportunity of bringing to you the views of our membership concerning needed revisions in the National School Lunch Act.

It was the privilege of my predecessor, Mr. Charles W. Lilley, to present to this committee the views of our association on this subject just over 1 year ago. I would again refer to the statement presented by Mr. Lilley on August 17 and 18, 1960.

Our statement at that time strongly endorsed the proposed change in the formula for distribution of school lunch funds to the States, based upon participation rather than upon school age population. Our thinking regarding this proposed change remains the same as expressed 1 year ago.

We have stated previously—and would reemphasize—that the present legislation places a premium upon inactivity. Those States having the lowest participation and doing the least effective work in bringing the advantages of the National School Lunch Act to their children benefit accordingly and receive highest per meal reimbursement. States doing the most effective and energetic job of bringing the advantages of the National School Lunch Act to their children are penalized, therefore, and clearly work under a severe handicap. Under the present formula, low participation States receive as much as 7 to 9 cents per type "A" meal while high participation States receive as little as 2 cents per type "A" meal. Such a distribution pattern is clearly unfair, undemocratic and contrary to the will of Congress in initially passing the National School Lunch Act.

In line with our understanding of the provisions of the O'Hara bill and even though we are disappointed that two important items in the original bill have been removed in the administration sponsored bill, American School Food Service Association would favor its passage as a first step toward correcting our present financial situation. We believe that the provisions of the bill for the transition from the present form of distributing funds to the States in the first year are very commendable and we feel that a 2 year period for such transition should be adequate. We have faith that the U.S. Department of Agriculture will recommend that the Congress will provide adequate funds for the full implementation of the act.

The Legislative Committee of the American School Food Service Association again wishes to go on record as urging the adoption of an amendment to the National School Lunch Act which would provide for allocation of funds to the States keyed to participation rather than school age population.

Dr. FULLER. I should like also to have permission to file further statements before the records of the hearings are closed. There may be one or two others.

Mr. BAILEY. I am sure there would be no objection to your filing later statements.

The record will remain open until the 15th of September. If you have additional statements to file by then they may be included in the record.

Please proceed.

Dr. FULLER. We support the bill that Mr. O'Hara has introduced and we agree with the testimony which has been presented by the Department of Agriculture in regard to it.

We appreciate Mr. O'Hara's introduction of the bill because he is a Representative from one of the States which would least benefit from it. This is a mark of statesmanship which we ought not to overlook.

The only thing we would suggest informally, and it is included in the formal statement, is that as we said in the hearings last August in connection with Mr. Brademas' bill 13016, we believe that approximately 1 percent of the cash appropriations to the States should be used for State administration of the school lunch. We have additional reasons for it this year. The chief State school officers, with almost no exception, are anxious about this.

The additional reason is that under the special distribution program of the administration as stated in section 11 of the bill before the committee, Mr. O'Hara's bill, it will throw additional administrative responsibilities on the State departments of education in the administration of the school lunch.

The 3½ percent allowed to the Secretary for administration has never been used in its entirety. I believe the amount used most years has been around 2 percent rather than 3½.

What we are asking is that 1 percent of these funds that are allowed to the Secretary be made available to the State departments on application by the State departments and approval by the Secretary, making it entirely optional whether a State uses these funds or not.

I have explained in the formal statement a situation in which the State departments find themselves in regard to this matter. I shall not repeat those reasons here.

With that one exception we support the bill as it is. We support the testimony of the Department of Agriculture fully, and we believe this is good legislation which is equitable to all States and it will correct inequities of serious character which have grown up since 1946 in regard to a considerable number of States.

Mr. BAILEY. That proviso is not in the present legislation proposed by Mr. O'Hara?

Dr. FULLER. That proviso was in the bill last year—H.R. 10016, I believe it was. It is not in this bill. We would like to have the same thing put back into this bill.

We believe there are additional reasons for doing that this year, on account of this emergency feeding program.

Mr. BAILEY. I had a long-distance telephone call from my State superintendent of public instruction, this morning. He suggested that the matter be brought to the attention of the subcommittee while we were considering this legislation, so I am glad you brought it up.

Since you have the proposal in your formal presentation, do you want to take a moment or two to discuss it?

Dr. FULLER. Well, it would be in this bill, as we have it before us now, a new section 4, renumbering the subsequent sections, and it would provide in much the same way as was provided in the Brademas bill of last August. I shall read it and correct the record:

Two-sevenths of the funds made available for use as provided in this subsection may be granted by the Secretary to State educational agencies which request such funds for use by such agencies in meeting their administrative expenses. The amount which may be granted a State educational agency under this subsection may not exceed an amount which bears the same ratio to the total funds available for distribution under this subsection as that State's apportionment under section 4 for the year bears to the total funds being apportioned.

I believe section 4 would have to be renumbered there.

Provided, however, That no State shall receive an amount smaller than \$5,000 or larger than \$50,000 in any fiscal year. The remainder of such funds may be used by the Secretary for his administrative expenses.

That would leave 2½ percent for the Secretary's expenses, which is an amount he has never yet used entirely, and 1 percent for allocation to the State departments on application by the States and approval by the Secretary.

The total amount would be about \$1.2 million a year. The benefit to the school lunch program, which is a program of more than \$1 billion

a year, would far exceed the amount of money necessary in order to provide those benefits.

Mr. BAILEY. The administrative costs are actually very low for a program that large.

Dr. FULLER. In some States this would double the amount available for the responsible administration of the State lunch programs in the States. Even in the smallest jurisdiction the \$5,000 minimum would in some cases double the amount now available.

I have made an effort in the formal statement, which is short and covers only this point, to show why it is that the States have difficulty. For instance, in Indiana I think Representative Brademas understands the situation in Indianapolis. He commented on this in hearings last August. I deplore this situation, Mr. Brademas, as much as you do. I have been to Indianapolis and other places.

Mr. BAILEY. Have you further comments at this time?

Dr. FULLER. No, I have not.

Mr. BAILEY. Questions?

(No response.)

Dr. FULLER. It is a distinct pleasure for me, since I have been on sick leave, to come in with the full support of the Department of Agriculture on this bill without having to go through the sort of critical cross-questioning I have from time to time undergone in this room.

Mr. BAILEY. The next witness will be Mrs. Ada Stough, the American Parents Committee.

**STATEMENT OF MRS. ADA BARNETT STOUGH, EXECUTIVE
DIRECTOR, AMERICAN PARENTS COMMITTEE, INC.**

Mrs. STOUGH. Thank you, Mr. Chairman, I also have a short statement which I shall file for the record. Since I notice time is getting short I shall not take further time.

Most of the members know the organization I represent and how we work for school lunch appropriations and better school lunch programs.

We were very gratified to see we got increased appropriations from the Congress this year and I see no reason if this bill is passed why Congress will not increase the appropriations next year so that Mr. O'Hara's State and some of the other States where some of my good congressional friends come from will not be left holding the bag, so to speak. They will not be cut so drastically. I feel optimistic about getting an appropriation large enough to take care of some of these States.

In summarizing, I want to make just five points we would like to see in this legislation. The first point is that we would like to see a formula which would distribute funds to the States on the basis of actual participation rather than potential participation. You have had ample testimony before this committee last year, and I have tried in the written testimony to show how a State which really tries, Mr. Quie, to spread the school lunch program to more children, in other words, increase the participation, is penalized because the money has to be spread much more thinly. Each school that takes on a school lunch program gets less per lunch and it does not encourage the length of the program as this new principle might.

The second principle we would like to see is in the same idea of reimbursement in accordance with participation. The nonpublic schools are getting a larger reimbursement per lunch than the public schools.

The third principle which I find now is in the O'Hara bill, which we found was in the Senate bill, is that there would be a special and additional appropriation to help schools in areas of special need. We realize, Mr. Bailey, what is going on in your State and from the letters we got from States this year when we were preparing testimony for the Appropriations Committee we found that these areas of special need were making for a great handicap and a great financial burden on the whole school lunch program in the entire State because of the number of free lunches they were called upon to serve. We think this principle in this bill would help greatly.

The fourth principle we applaud in the new bill is this transition period which would cushion some of the shock from States such as Mr. O'Hara's and others where they would be drastically cut if the appropriation were not appreciably increased.

The fifth principle we like in the new bill is that there is a specific floor under which reimbursements would not fall. This year, with appropriations not being adequate to take care of many States, the reimbursement has fallen way down in some States. It is dangerously low. I say "dangerously" because if a school cannot get a certain reimbursement they have to close the school lunchroom rather than serve luncheons.

That is all I have, Mr. Chairman. As I say, we applaud your consideration of this bill and we would like very much to see these amendments go through early in the next session so we can get work for an increased appropriation.

May I ask that this full statement be submitted in its entirety?

Mr. BAILEY. Without objection that may be done.

(Mrs. Stough's statement follows:)

TESTIMONY BY ADA BARNETT STOUGH, EXECUTIVE DIRECTOR, AMERICAN PARENTS COMMITTEE, INC.

GENTLEMEN. I am Ada Barnett Stough, executive director of the American Parents Committee, Inc. The organization I represent is an organization which concerns itself solely with legislation for the health, education, and welfare of children. Members of its Board (on the list attached to my testimony) include as you will see, many outstanding men and women. Support and improvement of the national school lunch program has been one of the major objectives of the American Parents Committee during its 15 years of existence.

We have watched the school lunch program grow from a program serving 3½ million children in 1947 to one serving almost 13 million in 1960. Each year we have worked for adequate appropriations for the program. Consequently, support for the legislation you are considering is based on familiarity with the program and is in accordance with the principles voted each year by our Board. I appear here today as a representative of that Board and particularly as a representative of George J. Hecht, chairman, who is also as you know publisher of Parents' magazine.

Rather than address ourselves to any particular bill, we would like to reiterate the principles we would like to see incorporated in amendments to the National School Lunch Act.

The first and most important amendment we would like to see is one which would set up a formula to distribute funds to the States on the basis of actual participation rather than potential participation as is now the case. The present formula penalizes a State which makes an effort to have a good and growing

school lunch program and rewards the State which does not encourage improvement, expansion, and the serving of a greater number of children. The State which exerts itself to see that a hot lunch is available to the greatest possible number of school children must spread its allotment over a larger area. On the other hand, the State which simply accepts its allotment, maintains the status quo and makes little attempt to stimulate growth is rewarded. Fewer children buy lunch in that State so the State allotment does not have to be shared by so many schools and each school gets a larger reimbursement for each lunch served. Since the present formula discourages the growth of the program and works to deprive some children of the benefits of a hot lunch, we would like to see the act amended to allot Federal funds on the basis of actual lunches served.

The second amendment we would like to see is one which would make the principle of actual participation apply to nonpublic schools which receive school lunch money. Available information reveals that the average reimbursement rate per lunch in nonpublic schools runs much higher than the average for public schools. The reimbursement rate is figured on the total enrollment of children in the nonpublic schools. Since comparatively few of the schools operate lunchrooms the money is spread only over a small area and each school profits accordingly.

We note in S. 2442 a new section which would provide for an additional appropriation of funds to provide special help to schools in areas of special economic need. We assume such a section would also be in a House bill. Such a provision would seem to us very desirable if sufficient flexibility is allowed the Department of Agriculture in the administration of this section. This past year we received letters from many States pertaining to funds for the school lunch program. From almost all of them we heard about the financial burden involved in providing free lunches for the youngsters of the unemployed or those in schools in general economic depressed areas.

The 1-year transition period before the new formula would be effective provided in the Senate bill would seem to us also desirable. The effect of the new formula will not be the desired one if there is not a specific floor below which the reimbursement rate per lunch would not fall. We believe the act should be amended as soon as possible. The President should then recommend in his next budget an appropriation large enough to insure that every State would receive the minimum amount per lunch. The U.S. Congress has always supported the school lunch program and we believe it will do so in the future. For that reason we would like to see legislation before you enacted into law at the earliest possible date. Thank you.

Mr. QUIE. In the second point you made, do I understand there will be less money available under the new formula for nonpublic schools? Is that correct?

Mrs. STOUGH. The principle regarding nonpublic schools would be the same as that for the public schools, which would be on participation rather than the enrollment of public schools.

Mr. QUIE. What would be the practical effect?

Mrs. STOUGH. The practical effect, as I understand it, and Mr. Fuller knows these details more fully, the practical effect would be this: Now the allocation to nonpublic schools is based on enrollment of pupils in nonpublic schools. Since fewer of the nonpublic schools serve lunches this serves to make the reimbursement per child greater. Many nonpublic schools do not serve lunches. To those who do serve lunches the reimbursement rate per child is greater, so they are really getting more assistance from a practical point of view than the public schools.

Mr. QUIE. But the effect of this formula will be to reduce that——

Mrs. STOUGH. If we make it on participation it would not reduce it if a larger percentage of the pupils enrolled were getting lunches. It means the formula applies to those people as well.

Mr. BAILEY. Does the gentleman representing the Agriculture Department wish to comment on this?

Mr. DAVIS. I would be very happy to comment on this. We have had some adverse comments in the past over the condition which arose in some States where a private school on one side of the street serving lunches was perhaps reimbursed at 1 cent more than the public school across the street in the same city. In some instances it was just the reverse, where the private schools had very high participation they might be receiving less in one school on one side of the street than the public school on the other.

Everyone agreed, I believe, that this was not equitable, that all schools should be treated alike, so the formula as it is in the bill would provide the same opportunity for the same reimbursement for all schools in the State, public and private. They would be treated alike.

Mr. QUIE. Where the effect of the new formula would mean a reduction to a nonpublic school they would at least now be treated equitably with the public schools in the area. Where they were lower than the public schools before because of greater participation they would be brought up so they will be made equitable?

Mr. DAVIS. That is right. In all fairness, so we do not leave the wrong impression with the committee, I believe there will be more instances where the private school rate will be lowered than there will be where it will be raised because, as the lady has already testified, generally speaking, across the country the participation in private schools for many very good reasons has been lower than it has been in the public schools, so that in all fairness I think you should know there will be more instances where it will be lowered than raised.

However, there are some where it has been lower in the private schools in the past. They will now receive the same.

Mr. BAILEY. This would tend to make it uniform?

Mr. DAVIS. Yes, sir; they will all be treated alike.

Mr. QUIE. Looking at the last column on your table, if we have an appropriation of \$139 million this in practically every case will bring the participation up to or above what it is at the present time? Is that right?

Mr. DAVIS. Yes, sir. There are one or two exceptions, I believe, the District of Columbia, Alaska, and one or two others which will still take a small reduction under an appropriation of \$139.9 million.

Mr. BAILEY. One observation. I am curious to know why the District of Columbia is 8 cents per pupil and 4.2 cents in West Virginia.

Mr. DAVIS. Entirely a matter of participation. In relation to their child population in the District, with a reasonably high per capita income, they are spreading their available funds among fewer children so they are able to pay this very high rate in comparison to other States.

In a State that has high participation under the present formula, as you well know, they have a very low rate per meal. This bill will correct this.

Mr. BAILEY. To what extent?

Mr. DAVIS. It will reduce the District and it will raise the proportion that a State such as West Virginia would get. For example, the percentage of participation at this point in the District of Columbia is 9.2 percent. In West Virginia it is 38.6, which is well above the national average as you can see so far as participation is concerned.

While this will cause a rather sharp reduction in the amount of money the District gets, and might necessitate some rather difficult adjustments, we still feel it is much more fair to give the States with high participation a reimbursement based on that participation rather than on their lack of it.

Mr. BAILEY. Thank you.

Mr. QUIE. Is it not true that the District of Columbia has perhaps the highest per capita income of any State in the Union?

Mr. DAVIS. That may have been true at one time. If you take Metropolitan Washington that would be a different story.

Mr. QUIE. The District itself.

Mr. DAVIS. You are right, Mr. Quie.

Mr. O'HARA. I do not like to prolong this but a couple of questions have arisen. First, before I get too much credit for an act of statesmanship, I call the gentleman's attention to table 4 which has the transition worked into it. My own State does not do quite as badly as it would if we went directly into the total allocation formula.

Other than that I would like, with respect to this question of the allocation of funds for pupils in public schools and nonpublic schools, to call the attention of the committee to the fact that the justification for this program, in light of the interpretations of the first amendment as made by the U.S. Supreme Court on various cases, really depends upon a grant of assistance directly to the pupils. This is conceived as a program not of any aid to a particular school or class of school but to American schoolchildren regardless of where they go to school. Equal assistance to them seems to me to be part of that justification, I wanted to point that out.

One further point with regard to that matter is that I feel to a large extent the lesser degree of participation by nonpublic schools is the result of the fact that a lower percentage of nonpublic schools have been financially able to equip their institutions with lunchroom facilities. I would personally like to see some effort made under this act, or under administrative action or under other programs, either to fund the existing provisions for assistance to such schools for the purchase of lunchroom equipment or to, in the alternative, provide a greater degree of assistance for lunches of a type which do not require preparation at the site.

I wondered if either Mrs. Stough or Mr. Davis would care to comment on that aspect.

Mrs. STOUGH. I defer to Mr. Davis.

Mr. DAVIS. One quick word on that. That is one way in which the funds that are provided in the bill for special assistance to needy schools might very well be used for additional help to them for the expenses of preparing lunches perhaps in another school, and transporting them. The actual assistance, however, would be in the form of additional food or additional money for the purchase of food so other funds would be released for the equipment and labor.

Mr. O'HARA. I would like to point out in conclusion that in the neediest areas, both in public and nonpublic schools, you are less apt to have the sort of financial base for support of schools that permits the construction of luncheon facilities and kitchen facilities, and it is in those very same areas that the greatest need exists for help through this program, too.

I am concerned that we work out some sort of arrangement whereby we can overcome that difficulty.

I have nothing further.

Mr. BAILEY. If the suggestion of Dr. Fuller prevails perhaps the States might have some money for the construction of facilities.

Our next witness is our colleague, the Honorable Vernon W. Thomson, of Wisconsin, author of one of the bills before the subcommittee.

Mr. Thomson.

**STATEMENT OF HON. VERNON W. THOMSON, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF WISCONSIN**

Mr. THOMSON. Mr. Chairman and members of the committee, thank you for the opportunity to present my views on this important legislation.

Through the years the national school lunch program has been an important instrument in maintaining and improving the health of our young people, while at the same time providing a substantial outlet for our agricultural abundance. Last year some 13.5 million youngsters participated in this valuable program. This was the first time that this program which was enacted in 1946 has topped 13 million. According to the Department of Agriculture, some 2,142 million lunches were served last year, some 144 million more than in the previous year. Most of this food, about 80 percent, was purchased locally by the 62,000 public and nonprofit private schools participating in the program. About 265,000 students in my State of Wisconsin alone are enjoying the benefits of the program. During the year total local purchases amounted to some \$540 million. In addition, 58 million dollars' worth of nutritious foods were supplied by AMS purchases to supplement the \$70 million distribution of surplus foods made available from the price support program.

Unfortunately, this worthwhile program is running out of money. That is why I have introduced H.R. 6209 and am now urging the support of the committee for my bill. The problem is an acute one, not only in my State but also in the States of Arkansas, Colorado, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Mexico, New York, North Dakota, Oklahoma, Puerto Rico, South Carolina, South Dakota, Tennessee, Washington, and Wyoming.

It may well be that the Committee on Appropriations can meet the increased needs by added appropriation or by fund transfers. However, these increased needs developing in these 24 States must be met promptly and I feel that this committee by giving its support to this legislation can make a substantial contribution toward the strengthening of farm prices and the improvement of children's diets.

The success of this program through the years demands our continuing support, so I most sincerely urge the committee to approve the authorized \$10 million increases as expeditiously as possible. Thank you.

Mr. BAILEY. The subcommittee will recess at this time, subject to the call of the Chair.

(The following material was submitted for the record:)

SEPTEMBER 12, 1961.

HON. CLEVELAND M. BAILEY,
*Chairman, General Subcommittee on Education, Committee on Education and Labor,
House of Representatives, Washington, D.C.*

DEAR MR. BAILEY: Thank you for your letter of August 29 requesting a statement in support of my bill (H.R. 4688) to amend the National School Lunch Act to provide for a more equitable distribution of funds under such act and for other purposes.

The purpose of the School Lunch Act as passed in 1946 was stated in its title, as follows: "to provide assistance to the States in the establishment, maintenance, operation, and expansion of nonprofit school lunch programs. For each fiscal year, there is hereby authorized to be appropriated such sums as may be necessary to enable the Secretary of Agriculture to carry out the provisions of the Act. It is hereby declared to be the policy of Congress, as a measure of national security, to safeguard the health and well-being of the Nation's children and to encourage the domestic consumption of nutritious agricultural commodities and other foods by assisting the States, through grants-in-aid and other means, in providing an adequate supply of foods and other facilities for expansion of the program."

The success of this program has been outstanding. Its acceptance by the parents, pupils, and schools is demonstrated by the fact that in 1947 approximately $3\frac{1}{2}$ million pupils were served a complete meal each schoolday. By 1960, nearly 13 million students were served a complete meal. The total number of meals served crossed the 2 billion mark more than 2 years ago and continues to grow.

However, the number of schools participating in the program and the number of pupils eating lunches have both increased faster than available funds. Consequently, it has been necessary to reduce the Federal reimbursement rate. I should like to show the application of these total figures to the State of North Dakota, with which I am naturally the most familiar. Here is what has taken place in this program within our State.

In 1959, the average national participation in the lunch program was about 35 percent of school enrollment. North Dakota's participation during the school year 1959-60 was $45\frac{1}{2}$ percent. In December 1960 alone the participation was 52 percent. However, the original act provided for about 8.7 cents per meal of Federal participation in our State. Over the years, the increase in the number of meals served reduced the Federal share to 5.3 cents by 1953. During 1960, although the appropriations had increased to \$100 million, the number of children served in North Dakota was great enough to bring the reimbursement down to a new low of 3 cents a meal, which was 1 cent below the national average. This of course brought about increased costs to the school district in providing these class A meals to the students. The current national 4.1 cents per meal does not appear to be sufficiently conducive to encouraging schools to participate in the program. North Dakota rate of 3 cents is even less conducive to it.

One of the reasons for the increased participation in North Dakota has been a great deal of reorganization of school districts. This has eliminated a great many of the small rural schools and necessitated those children being transported by bus to the towns. This means that more students are away from home for the noon meal and thereby increase the demand for hot meals. Having been closely associated with this program in my State for many years and having watched its expansion and success despite the drawbacks involved, I introduced H.R. 4688 at the beginning of this session. If enacted, I feel my bill would do a great deal toward stabilizing this program and safeguarding Federal participation from dropping to such a low point that the school districts will drop the entire program.

I very strongly endorse the provisions of this bill to your committee for consideration with the hope that it will be acted upon favorably.

Sincerely,

HJALMAR C. NYGAARD, *Member of Congress.*

NATIONAL CATHOLIC WELFARE CONFERENCE,
Washington, D.C., September 15, 1961.

HON. CLEVELAND BAILEY,
Chairman, Subcommittee of the Committee on Education and Labor, House of Representatives, Washington, D.C.

DEAR MR. BAILEY: We read with very great interest the remarks of Senator Long and Senator Burdick relative to a revision of the formula for apportioning cash assistance funds under the National School Lunch Act. Senator Long and Senator Burdick spoke to the bill S. 2442 as a substitute for S. 347. Their remark are to be found in the Congressional Record August 18, 1961, page 15258. We recognize the force of their argument for equity in the distribution of the funds. We recognize that such equity should be represented in all Federal legislation. Realizing the impact that the revised formula which seeks to provide such equity would have upon the school lunch program in the nonpublic schools, we appreciate the proposal that there be a 1-year transition period. According to this proposal, during the transition period one-half of the funds would be made available for apportionment under the formula now in effect and one-half under the new formula. This undoubtedly would help to alleviate the impact upon the nonpublic schools. In conjunction with this proposal we would urge that the Congress direct a comprehensive study to be made of the operations of the school lunch program, especially as to participation. We would suggest that this study extend no more than 2 or 3 years. This study even in its initial phases will indicate a need for a 2- or 3-year adjustment period.

We share with you, Mr. Chairman, and with the original framers of the school lunch legislation a deep concern for the health needs of America's children. Undoubtedly you are aware that the present lack of equity arises from the fact that the relative participation by non-public-school pupils in the program has been lower than that by public school children. If the participation had been equal the inequity would not exist. Obviously the need of non-public-school children for the benefits of this program is the same as that of the public school children. We must ask, therefore, why there has not been equal participation. It is our contention that the failure arises not from a lack of need or of interest but rather from the inability of many nonpublic schools to provide the facilities necessary. The original legislation included an authorization for an appropriation of funds for the purchase of such facilities. However appropriations have not been made. We would ask that consideration be given to authorized appropriations. We feel confident that if the nonpublic schools could find a means of securing the needed facilities the asserted inequity would disappear and a much higher percentage of America's children would have the needed benefits of this legislation. In this way, Mr. Chairman, non-public-school administrators would find the program more acceptable and the original intent of the Congress, namely, that all American children should have adequate nourishment, would be obtained.

In the light of these facts we urgently request a study of the school lunch program. We are mindful of the need for equity but we are also mindful of the need for providing for the well-being of all of the children whether they be in public or in nonpublic schools. We know that you and your committee will do everything possible to provide legislation which will give to the Nation's schools a program so designed that no child will be deprived of its benefits.

With many thanks for the opportunity to present our point of view,

Sincerely

Rt. Rev. Msgr. FREDERICK G. HOCHWALT,
Director, Department of Education.

S.F. No. 450
 Resolution No. 7

A RESOLUTION MEMORIALIZING CONGRESS TO ENACT LAWS PROVIDING FOR MORE
 WIDESPREAD USE OF FARM COMMODITIES FOR SCHOOL LUNCH AND WELFARE
 PROGRAMS

Whereas, one of the most pressing problems of our Nation today is that of the ever-growing supply of farm surpluses; and

Whereas, there are persons in our Nation who suffer nutritional deficiencies because of financial inability to secure adequate, nourishing food; and

Whereas some progress in the problem of surpluses could be made by greater use of the surplus commodities for school lunch programs and welfare programs: Now, therefore, be it

Resolved by the Legislature of the State of Minnesota, That the U.S. Congress and the Secretary of Agriculture be requested to expand programs whereby surplus food is distributed for school lunch and welfare programs; be it further

Resolved, That the secretary of state is instructed to send copies of this resolution to the President of the United States, the U.S. Secretary of Agriculture, and each Member of the U.S. Congress from the State of Minnesota.

_____,
President of the Senate.

E. J. CHILGUN,
Speaker of the House of Representatives.

Passed the senate this fourteenth day of March in the year of Our Lord one thousand nine hundred and sixty-one.

HOY TANEY,
Secretary of the Senate.

Passed the house of representatives this fifteenth day of April in the year of Our Lord one thousand nine hundred and sixty-one.

G. H. LEAHY,
Chief Clerk, House of Representatives.

Approved April 20, 1961.

ELMER L. ANDERSEN,
Governor of the State of Minnesota.

Filed April 20, 1961.

JOSEPH L. DONOVAN,
Secretary of the State of Minnesota.



NATIONAL SCHOOL LUNCH FUNDS

U. S. DEPARTMENT OF AGRICULTURE
LAW LIBRARY
LEGISLATIVE REPORTING

HEARING
BEFORE A
SUBCOMMITTEE OF THE
COMMITTEE ON
AGRICULTURE AND FORESTRY
UNITED STATES SENATE
EIGHTY-SEVENTH CONGRESS
SECOND SESSION

ON

S. 2442 and H.R. 11665

BILLS TO REVISE THE FORMULA FOR APPORTIONING
CASH ASSISTANCE FUNDS AMONG THE STATES UNDER
THE NATIONAL SCHOOL LUNCH ACT, AND FOR OTHER
PURPOSES

JUNE 19, 1962

Printed for the use of the
Committee on Agriculture and Forestry



COMMITTEE ON AGRICULTURE AND FORESTRY

ALLEN J. ELLENDER, Louisiana, *Chairman*

OLIN D. JOHNSTON, South Carolina
SPESSARD L. HOLLAND, Florida
JAMES O. EASTLAND, Mississippi
HERMAN E. TALMADGE, Georgia
WILLIAM PROXMIRE, Wisconsin
B. EVERETT JORDAN, North Carolina
STEPHEN M. YOUNG, Ohio
PHILIP A. HART, Michigan
EUGENE J. McCARTHY, Minnesota
MAURINE B. NEUBERGER, Oregon

GEORGE D. AIKEN, Vermont
MILTON R. YOUNG, North Dakota
BOURKE B. HICKENLOOPER, Iowa
KARL E. MUNDT, South Dakota
JOHN SHERMAN COOPER, Kentucky
J. CALEB BOGGS, Delaware

COTYS M. MOUSER, *Chief Clerk*

SUBCOMMITTEE ON AGRICULTURAL RESEARCH AND GENERAL LEGISLATION

B. EVERETT JORDAN, North Carolina, *Chairman*

JAMES O. EASTLAND, Mississippi
STEPHEN M. YOUNG, Ohio
PHILIP A. HART, Michigan

BOURKE B. HICKENLOOPER, Iowa
MILTON R. YOUNG, North Dakota
JOHN SHERMAN COOPER, Kentucky

CONTENTS

Statement of---	
Burdick, Hon. Quentin N., a U.S. Senator from the State of North Dakota-----	Page 6
Davis, Howard P., Director, Food Distribution Division, Agricultural Marketing Service, U.S. Department of Agriculture-----	10
Shipman, Richard C., assistant director, Legislative Services, National Farmers Union-----	32
Miscellaneous documents---	
S. 2442 and H.R. 11665, 87th Congress-----	1
Report on S. 2442 by Department of Agriculture-----	5
Statement filed by the Hon. Oren E. Long, a U.S. Senator from the State of Hawaii-----	7
House Concurrent Resolution 24 of the First Legislature of the State of Hawaii-----	9
Tables submitted by the Department of Agriculture-----	18
Amendment to section 6 proposing a new section 11 submitted by the Department of Agriculture-----	22
Participation in the national school lunch program in several large cities-----	25
States and territories in which the Department of Agriculture has direct administrative responsibility for the national school lunch program-----	26
Statement on need for extension of National School Lunch Act to American Samoa-----	28
Number of private and public school children in the territories-----	29
Statement on teaching of English in schools in Puerto Rico-----	31
Statement filed by the Hon. Wayne Morse, a U.S. Senator from the State of Oregon-----	33
Statement filed by Edgar Fuller, executive secretary, Council of Chief State School Officers-----	33
Letter to Senator Moss from Rodney A. Ashby, State director, school lunch program, Department of Public Instruction, State of Utah--	35

NATIONAL SCHOOL LUNCH FUNDS

TUESDAY, JUNE 19, 1962

U.S. SENATE,
SUBCOMMITTEE ON AGRICULTURAL RESEARCH
AND GENERAL LEGISLATION OF THE
COMMITTEE ON AGRICULTURE AND FORESTRY,
Washington, D.C.

The subcommittee met, pursuant to notice, at 10:15 a.m., in room 324, Senate Office Building, Senator Everett B. Jordan (chairman of the subcommittee) presiding.

Present: Senators Jordan (presiding), Hart, and Young of Ohio.

Senator JORDAN. I am going to call the subcommittee to order. Senator Hart will be here in a few minutes, but I know Senator Burdick has another place to go, so we shall proceed.

The purpose of this hearing is to receive testimony on proposed legislation which would revise the formula for distributing cash assistance funds to the States under the National School Lunch Act.

Proposed revisions in the allocation formula have been studied for several years by a great many people who are interested in the administration of the school lunch program. Today we are primarily concerned with two bills, S. 2442, which was introduced by Senator Long of Hawaii and Senator Burdick of North Dakota, and H.R. 11665, which has been approved by the House of Representatives. We have a favorable report from the Department of Agriculture on S. 2442, and we plan to hear testimony today from representatives of the Department on H.R. 11665.

(The documents referred to are as follows:)

[S. 2442, 87th Cong., 1st sess.]

A BILL To revise the formula for apportioning cash assistance funds among the States under the National School Lunch Act, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the National School Lunch Act of 1946, as amended, is amended by revising section 3 to read as follows:

“(a) For each fiscal year there is hereby authorized to be appropriated, out of money in the Treasury not otherwise appropriated, such sums as may be necessary to enable the Secretary of Agriculture (hereinafter referred to as ‘the Secretary’) to carry out the provisions of this Act other than section 11.

“(b) For each fiscal year there is hereby authorized to be appropriated in addition to the sums authorized in subsection (a) above, out of money in the Treasury not otherwise appropriated, such sums as may be necessary to enable the Secretary to carry out the provisions of section 11 of this Act.”

SEC. 2. Section 4 of the Act is revised to read as follows: “The sums appropriated for any fiscal year pursuant to the authorization contained in section 3(a) of this Act, excluding the sum specified in section 5, shall be available to the Secretary for supplying agricultural commodities and other foods for the program in accordance with the provisions of this Act. The Secretary shall apportion among the States during each fiscal year not less than 75 per centum of the funds

made available for such year for supplying agricultural commodities and other foods under the provisions of section 3(a) of this Act. Apportionment among the States shall be made on the basis of two factors: (1) the participation rate for the State, and (2) the assistance need rate for the State. The amount of apportionment to any State shall be determined by the following method: First, determine an index for the State by multiplying factors (1) and (2); second, divide this index by the sum of the indexes for all the States; and third, apply the figure thus obtained to the total funds to be apportioned. If any State cannot utilize all funds so apportioned to it, or if additional funds are made available under section 3(a) for apportionment among the States, the Secretary shall make further apportionments to the remaining States in the same manner. Notwithstanding the foregoing provisions of this section, for the fiscal year ending June 30, 1962, one-half of the funds available for apportionment among the States shall be apportioned on the basis of the factors used prior to such fiscal year, and one-half of such funds, and any funds available for further apportionments, shall be apportioned in accordance with the foregoing provisions."

SEC. 3. Section 5 of the Act is amended by striking out the last sentence thereof.

SEC. 4. Section 10 of the Act is amended by striking out "number of children between the ages of five and seventeen, inclusive, attending nonprofit private schools within the State is of the total number of persons of those ages within the State attending school" and inserting in lieu thereof the following: "participation rate for all nonprofit private schools within the State is of the participation rate for the State".

SEC. 5. Section 11 of the Act is redesignated as section 12 and subsection (d) thereof is amended to read as follows:

"For the purposes of this Act—

"(1) 'State' means any of the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

"(2) 'State educational agency' means, as the State legislature may determine, (a) the chief State school officer (such as the State superintendent of public instruction, commissioner of education, or similar officer), or (b) a board of education controlling the State department of education.

"(3) 'Nonprofit private school' means any private school exempt from income tax under section 101(6) of the Internal Revenue Code, as amended.

"(4) 'Nonfood assistance' means equipment used by schools in storing, preparing, or serving food for schoolchildren.

"(5) 'Participation rate' means the number of lunches, meeting the minimum requirements of the type of lunch for which the maximum rate of reimbursement is authorized by the Secretary, served by participating schools in each State in the preceding fiscal year, as determined by the Secretary.

"(6) 'Assistance need rate' means that rate determined by assigning a value of five to each of the States and by increasing the value of five for each State having an annual per capita income less than the average annual per capita income of all the States by the ratio that the average annual per capita income of all the States bears to the per capita income of said State, up to a maximum value of nine. The per capita income figures shall be the average of those certified by the Department of Commerce for the latest three years for which such figures are available.

"(7) 'School' means any public or nonprofit private school of high school grade or under and, with respect to Puerto Rico, shall also include nonprofit child-care centers certified as such by the Governor of Puerto Rico."

SEC. 6. The following language is inserted after section 10 of the Act:

"SPECIAL ASSISTANCE

"SEC. 11. The sums appropriated pursuant to section 3(b) of this Act shall be used by the Secretary, under such terms and conditions as he deems to be in the public interest, to provide special assistance to needy schools for the purpose of helping them to meet the requirements established in this Act concerning the service of lunches to children unable to pay the full cost of the lunch."

SEC. 7. These amendments shall become effective July 1, 1961.

[H.R. 11665, 87th Cong., 2d sess.]

AN ACT To revise the formula for apportioning cash assistance funds among the States under the National School Lunch Act, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the National School Lunch Act is amended to read as follows:

“APPROPRIATIONS AUTHORIZED

“SEC. 3. For each fiscal year there is hereby authorized to be appropriated, out of money in the Treasury not otherwise appropriated, such sums as may be necessary to enable the Secretary of Agriculture (hereinafter referred to as the ‘Secretary’) to carry out the provisions of this Act, other than section 11.”

SEC. 2. Section 4 of the National School Lunch Act is amended to read as follows:

“APPROPRIATIONS TO STATES

“SEC. 4. The sums appropriated for any fiscal year pursuant to the authorization contained in section 3 of this Act, excluding the sum specified in section 5, shall be available to the Secretary for supplying agricultural commodities and other foods for the program in accordance with the provisions of this Act. The Secretary shall apportion among the States during each fiscal year not less than 75 per centum of the funds made available for such year for supplying agricultural commodities and other foods under the provisions of section 3 of this Act. Apportionment among the States shall be made on the basis of two factors: (1) the participation rate for the State, and (2) the assistance need rate for the State. The amount of apportionment to any State shall be determined by the following method: First, determine an index for the State by multiplying factors (1) and (2); second, divide this index by the sum of the indices for all the States (exclusive of American Samoa for periods ending before July 1, 1967); and third, apply the figure thus obtained to the total funds to be apportioned. If any State cannot utilize all funds so apportioned to it, or if additional funds are made available under section 3 for apportionment among the States, the Secretary shall make further apportionments to the remaining States in the same manner. Notwithstanding the foregoing provisions of this section, (1) for the fiscal year beginning July 1, 1962, one-half of any funds available for apportionment among the States shall be apportioned in the manner used prior to such fiscal year, and one-half of any such funds shall be apportioned in accordance with the foregoing provisions of this section, and (2) for the five fiscal years in the period beginning July 1, 1962, and ending June 30, 1967, the amount apportioned to American Samoa shall be \$25,000 each year, which amount shall be first deducted from the funds available for apportionment in determining the amounts to be apportioned to the other States.”

SEC. 3. (a) Section 5 of the National School Lunch Act is amended by striking out the last sentence thereof.

(b) Section 6 of the National School Lunch Act is amended by striking out “and less the amount apportioned to him pursuant to sections 4, 5, and 10” and inserting in lieu thereof the following: “, less the amount apportioned by him pursuant to sections 4, 5, and 10, and less the amount appropriated pursuant to section 11”.

SEC. 4. Section 10 of the National School Lunch Act is amended by striking out “the same proportion of the funds as the number of children between the ages of 5 and 17, inclusive, attending nonprofit private schools within the State is of the total number of persons of those ages within the State attending school” and inserting in lieu thereof the following: “an amount which bears the same ratio to such funds as the number of lunches, consisting of a combination of foods and meeting the minimum requirements prescribed by the Secretary pursuant to section 9, served in the preceding fiscal year by all nonprofit private schools participating in the program under this Act within the State, as determined by the Secretary, bears to the participation rate for the State”.

SEC. 5. Section 11 of the National School Lunch Act is redesignated as section 12 and subsections (c) and (d) thereof are amended to read as follows:

“(c) In carrying out the provisions of this Act, neither the Secretary nor the State shall impose any requirement with respect to teaching personnel, curriculum, instruction, methods of instruction, and materials of instruction in any school.

“(d) For the purposes of this Act—

"(1) 'State' means any of the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, or American Samoa.

"(2) 'State educational agency' means, as the State legislature may determine, (A) the chief State school officer (such as the State superintendent of public instruction, commissioner of education, or similar officer), or (B) a board of education controlling the State department of education.

"(3) 'Nonprofit private school' means any private school exempt from income tax under section 501(c)(3) of the Internal Revenue Code of 1954.

"(4) 'Nonfood assistance' means equipment used by schools in storing, preparing, or serving food for schoolchildren.

"(5) 'Participation rate' for a State means a number equal to the number of lunches, consisting of a combination of foods and meeting the minimum requirements prescribed by the Secretary pursuant to section 9, served in the preceding fiscal year by schools participating in the program under this Act in the State, as determined by the Secretary.

"(6) 'Assistance need rate' (A) in the case of any State having an average annual per capita income equal to or greater than the average annual per capita income for all the States, shall be 5; and (B) in the case of any State having an average annual per capita income less than the average annual per capita income for all the States, shall be the product of 5 and the quotient obtained by dividing the average annual per capita income for all the States by the average annual per capita income for such State, except that such product may not exceed 9 for any such State. For the purposes of this paragraph (i) the average annual per capita income for any State and for all the States shall be determined by the Secretary on the basis of the average annual per capita income for each State and for all the States for the three most recent years for which such data are available and certified to the Secretary by the Department of Commerce; and (ii) the average annual per capita income for American Samoa shall be disregarded in determining the average annual per capita income for all the States for periods ending before July 1, 1967.

"(7) 'School' means any public or nonprofit private school of high school grade or under and, with respect to Puerto Rico, shall also include nonprofit child-care centers certified as such by the Governor of Puerto Rico."

SEC. 6. The National School Lunch Act is further amended by inserting immediately after section 10 thereof the following new section:

"SPECIAL ASSISTANCE

"SEC. 11. (a) There is hereby authorized to be appropriated \$10,000,000 for the fiscal year ending June 30, 1963, and such sums as may be necessary for the fiscal year ending June 30, 1964, and each succeeding fiscal year, to provide additional funds to certain schools (selected on the basis of factors set forth in subsection (b)) to assist such schools to serve free and reduced price lunches. From the sums appropriated pursuant to this section for any fiscal year, the Secretary shall reserve such amount as may be necessary, but not in excess of 3 per centum thereof, for apportionment to Puerto Rico, the Virgin Islands, Guam, and American Samoa. Such amount shall be apportioned among Puerto Rico, the Virgin Islands, Guam, and American Samoa on the basis of (1) the relative numbers of free and reduced price lunches served during the preceding fiscal year by schools participating in the program under this Act in such places, (2) the need of students in such places for free or reduced price lunches and (3) the relative assistance need rates of such places. The remaining amount of such sums appropriated for any fiscal year shall be apportioned among the States (other than Puerto Rico, the Virgin Islands, Guam, and American Samoa) on the same bases. For purposes of this section, American Samoa shall be deemed to have an assistance need rate equal to such rate for Guam, for periods ending before July 1, 1967.

"(b) Except as provided in subsection (c), funds apportioned to each State under subsection (a) shall be paid to selected schools in such State to assist such schools to serve free and reduced price lunches. Such schools and the amounts of such funds that each shall from time to time receive shall be determined by the State educational agency on the basis of the following factors: (1) The economic condition of the area from which such schools draw attendance; (2) the needs of pupils in such schools for free or reduced price lunches; (3) the percentages of free and reduced price lunches being served in such schools to their students; (4) the cost of lunches in such schools as compared to the average cost of school lunches

throughout the State; and (5) the need of such schools for additional assistance as reflected by the financial position of the school lunch programs in such schools.

"(c) In the case of any State which is not permitted by law to disburse funds paid to it under this section to nonprofit private schools, the Secretary shall withhold from the funds apportioned to such State under this section an amount which bears the same ratio to such funds as the number of such free and reduced price lunches served in the preceding fiscal year by all nonprofit private schools participating in the program under this Act in the State bears to the number of such free and reduced price lunches served during such year by all schools participating in the program under this Act in the State. The Secretary shall select nonprofit private schools in each such State and shall determine the amounts which shall be paid to each such school from time to time from amounts so withheld, on the basis of the same factors set forth in subsection (b)."

SEC. 7. The amendments made by this Act shall take effect on July 1, 1962.

Passed the House of Representatives June 6, 1962.

Attest:

RALPH R. ROBERTS, *Clerk.*

DEPARTMENT OF AGRICULTURE,
Washington, D.C., September 7, 1961.

HON. ALLEN J. ELLENDER,
Chairman, Committee on Agriculture and Forestry,
U.S. Senate.

DEAR SENATOR ELLENDER: This is in reply to your request for a report on S. 2442, a bill to amend the National School Lunch Act.

The Department recommends enactment of this bill.

S. 2442 provides for (1) a revision in the method of apportioning cash assistance funds among the States and territories; (2) a revision in the method of dividing a State's share of the cash assistance funds between public and private schools for any State in which State law requires this Department to administer the program in private schools; (3) adds a new section to the act authorizing a specific appropriation to provide special assistance to especially needy schools; and (4) extends the program to American Samoa.

With the exception of the last provision, S. 2442 is in accord with the Department's previous recommendations submitted to your committee in connection with S. 347 and S. 1469.

We are also in accord with the provision of S. 2442, which would extend the program to American Samoa. Such an extension was recommended by the Study Mission to Eastern (American) Samoa, which was established pursuant to Senate Resolution 330, 86th Congress.

We do, however, have two recommendations for revisions in the technical language of the bill. First, the effective date of the amendment needs to be changed to make it consistent with the date of passage of the amendment.

Second, because the allotment of funds to any State or territory under S. 2442 depends upon previous participation in the program, special provision would need to be made for American Samoa.

We recommend that the following change be made in section 2 of S. 2442:

Amend the last sentence of section 2 to read as follows:

"Notwithstanding the foregoing provisions of this section, (1) for the fiscal year ending June 30, 1962, one-half of the funds available for apportionment among the States shall be apportioned on the basis of the factors used prior to such fiscal year, and one-half of such funds, and any funds available for further apportionments, shall be apportioned in accordance with the foregoing provisions, and (2) for the five fiscal years beginning June 30, 1962, the amount apportioned to American Samoa shall be \$25,000 each year, which amount shall be first deducted from the funds available for apportionment in determining the amounts to be apportioned to the other States."

The Bureau of the Budget advises that there is no objection to the submission of this report from the standpoint of the administration's program.

Sincerely yours,

CHARLES S. MURPHY, *Acting Secretary.*

Senator JORDAN. Senator Hart, we are glad to have you here, sir.
Senator Burdick, we will be glad to hear from you at this time, sir.

**STATEMENT OF HON. QUENTIN N. BURDICK, A U.S. SENATOR
FROM THE STATE OF NORTH DAKOTA**

Senator BURDICK. Mr. Chairman and members of the committee, I appreciate the convenience you have provided in hearing me first.

I want to say I appear on behalf of S. 2442, which was sponsored by Senator Oren Long and myself. I know the committee is very busy.

In order to save time, I would like to ask unanimous consent that my prepared statement may appear in the record.

Senator JORDAN. It is ordered.

(The prepared statement of Senator Burdick is as follows:)

THE NATIONAL SCHOOL LUNCH PROGRAM

One of the most effective and widely accepted programs in the country is the national school lunch program. Some 30 years ago the Federal Government began assistance to school feeding operations primarily as a constructive outlet for surplus foods that could not be profitably moved by farmers through the normal channels of trade. From these tentative and experimental beginnings, it became increasingly apparent that this approach offered a variety of benefits to the country as a whole.

The Congress continued its assistance to this program because of its demonstrated effectiveness. In establishing the program on a permanent basis with the passage of the National School Lunch Act in 1946, the Congress had two objectives in mind—safeguarding the health and well-being of the Nation's children and promoting the domestic consumption of agricultural commodities. The program has achieved both of these objectives in an admirable manner. Not only has improved nutrition resulted in students who are more alert and receptive to teaching, but the program has tended to establish a pattern of food habits that carries through after the school years. The program serves, too, as a constantly expanding market for farmers, and it has broadened the base of that market by introducing local or regional foods to the far corners of the country.

Yes, this is a program which I wholeheartedly support. I am proud to be identified with it. And I feel that the pending proposals before the Congress will make it an even more effective program.

Senator Long and I believe the legislation presently under consideration will accomplish this through a revision of the formula used for the apportionment of funds. The formula now in effect has led to discrepancies among the States that violate the purposes intended by the National School Lunch Act.

The formula now in effect takes into consideration (1) school age population, and (2) per capita income of the State. No consideration is presently given to the number of meals served in the school system of a State. If two States have equal school age population and equal per capita income, they are allocated equal amounts of money even though one State serves twice as many meals as the other. This has resulted in a discrepancy in cash assistance of from 2 cents per meal as a minimum to 9 cents per meal as a maximum.

The amendments we propose would substitute for "school age population" in the formula the more realistic factor of the number of lunches served in the States in the preceding year. A State's need would still be determined by equating its per capita income with that of the per capita national income. I urge its adoption.

I am proud of the part that the communities and the children of my own State play in the school-lunch program. Nearly one-half of our North Dakota children enrolled in primary and secondary schools are participating in it. This compares with the national average participation of about one-third of the children. This past school year, 636 North Dakota schools served lunches to 77,083 children daily. This represents over 12½ million lunches yearly. And over 13 percent of these lunches were served free or at reduced price to children who otherwise would not be able to receive the nutritional benefits.

This year, in North Dakota communities, the program provided a local market for food in the amount of \$2,150,000—a significant contribution to my State's economy. The Federal Government's contribution to North Dakota was \$432,443 in cash and about \$825,000 worth of donated foods.

The program's contribution to the Nation as a whole is equally impressive. As a result of a congressional appropriation of \$170 million for the current fiscal year, the program engendered a local food market in the amount of approximately \$610 million—more than three-fourths of all the food used in school lunch programs. In addition, it provided a constructive outlet for about \$111 million worth of foods acquired by the U.S. Department of Agriculture under price support and surplus removal operations. Through this program nationally, more than 14 million children have had the opportunity of eating a nutritious lunch at school each day—in many instances, the only adequate meal they received all day.

The entire Nation gains from this program because it helps assure a strong well-fed youth, a larger income for the farmer, a huge market for the food trades, jobs for the lunchroom personnel, employment for related industries, constructive outlets for abundant commodities, a well-nourished student who is more receptive to instruction, and a healthier Nation. The program, of course, could not have been possible were it not for the cooperation and support given to it by the Congress, by State and local governments, by local school administrators and classroom teachers, by producers and food trade groups, and by civic and social organizations. This is truly a national program.

Senator JORDAN. I might say that Senator Long is sick and cannot be here. I would like to say it will appear in the record immediately after yours.

Senator BURDICK. That was my intention, to offer his statement at this time.

I do not think it is necessary for me to go into the merits of the national school lunch program. The principal change made in the new legislation over existing legislation is the basis of allocation of funds. The formula now in effect takes into consideration one, school age population and two, per capita income of the State.

No consideration is presently given to the number of meals served in the school system of a State. If two States have equal school age population and equal per capita income, they are allocated equal amounts of money, even though one State serves twice as many meals as the other. This has resulted in a discrepancy of cash assistance of from 2 cents per meal as a minimum to 9 cents per meal as a maximum.

We feel that the formula based upon meals served instead of population is far more equitable and will give an incentive to use the program and to broaden the program.

We urge a favorable consideration of the new formula.

Senator JORDAN. Thank you very much.

Senator HART, have you any questions?

Senator HART. Thank you, no, sir.

Senator JORDAN. Thank you very much, Senator Burdick.

The statement of Senator Long will be inserted at this point.

STATEMENT FILED BY THE HONORABLE OREN E. LONG, A U.S. SENATOR
FROM THE STATE OF HAWAII

Mr. Chairman, I appreciate this opportunity to appear before your subcommittee in support of the bills you are considering to revise the National School Lunch Act. It has been my privilege to introduce three such bills in the Senate. These bills were: S. 3700 in the 86th Congress, and S. 371 and S. 2442 in the 87th Congress. Since my introduction, with Senator Burdick, of S. 2442, a very similar bill (H.R. 11665) has passed the House of Representatives.

While the bills I have introduced on this subject have varied in some details, they have one major characteristic in common with each other and with H.R. 11665. This characteristic is a change in the formula under which Federal assistance to the school lunch program is distributed. At the present time the distribution depends upon two factors: per capita income and number of school-age children in the several States. I certainly have no quarrel with the first of these factors, but I consider the total number of schoolchildren to be an unrealistic

and inequitable measurement. Hence, I have advocated, and S. 2442 and H.R. 11665 both provide, that the number of meals actually served replace the number of children as the second factor in the distribution formula.

To me, this change is only simple justice. It makes actual, rather than potential, use of the program the determining factor. This change would have, in my opinion, at least two salutary effects: (1) It would provide a real incentive for States to develop and enlarge their school lunch programs; and (2) it would put an end to the discrimination that the present program has tended to impose on those States where the school lunch program is most fully developed.

It is obvious that incentives for development of State programs would be stimulated by the change. At present, a State receives as much assistance for a program in which hardly any students participate as it would if that program were several times larger. If assistance were to depend upon the size of the program, as the bills before you provide, then each State will have a real reason for expanding their programs to the nutritional benefit of their entire populations.

The equity argument is, I think, at least as strong. Reliance upon total number of children as a criterion has resulted in great distortion of the relative assistance received by the various States. One of the best measurements of this is the average per meal rate of assistance, which now ranges from 8.5 cents in the District of Columbia and 7.9 cents in Rhode Island to less than 3 cents in Iowa and Louisiana and a mere 1.9 cents in my own State of Hawaii. I submit, Mr. Chairman, that less than 2 cents per lunch is a very small pittance with which to reward the school system of Hawaii for having one of the most complete and successful lunch programs in the United States.

I would like to take another minute to discuss the inclusion of American Samoa in this program, as proposed by both S. 2442 and H.R. 11665. Two years ago I had the privilege of being chairman of a special committee that toured the Pacific areas and spent some time studying the problems of this remote territory. Partly because of my lifelong involvement in public education, I was particularly struck by the difficulties under which the schools operate in Samoa. It was obvious that one of those difficulties was the absence of certain auxiliary programs that are commonplace in the United States proper. Among these programs I would assign the school lunch program preeminent importance especially in an area where incomes are low and there is little public understanding of the impact of nutritional deficiencies on the community. I therefore feel strongly that inclusion of American Samoa in this program would be one of the most forward-looking steps we could take.

Finally, I would like to endorse the special assistance program incorporated in section 6 of H.R. 11665. While I have not worked on this particular part of the bill as much as on others, I am in complete sympathy with its objectives. There are few experiences in a teacher's life sadder than seeing children try to learn when they are without proper food, and perhaps none sadder than seeing those same children try to look the other way when their more fortunate comrades are enjoying their midday meal. Section 6 would go a long way toward correcting this situation, and it would, I believe, have great humanitarian and educational value. It has my wholehearted approval.

For these reasons, Mr. Chairman, I urge your subcommittee to approve the bill before you. In his agricultural message to the Congress on March 16, 1961, President Kennedy recommended very much the same thing in these words:

"An expansion of the school lunch program, with the increase going to those schools providing a high proportion of free lunches because of the high level of unemployment in their localities, and with a change in the allocation formula to include, in addition to school age population and per capita income, the number of children who actually receive school lunches. In this way the best possible nutrition will be made available to every schoolchild, regardless of the economic condition of his family or his local school district."

S. 2442 has the full endorsement of the Department of Agriculture and of all school lunch officials from whom I have heard on the subject, and I understand that H.R. 11665 does also. As evidence of additional support, I would like to introduce for the record at this time, House Concurrent Resolution No. 24 of the First Legislature of the State of Hawaii, budget session of 1962, urging adoption of the measure. The people and the government of my State are solidly behind this measure, which I sincerely hope will be enacted during this session of the Congress. Thank you.

(The resolution is as follows:)

CONCURRENT RESOLUTION

Whereas the National School Lunch Act, Public Law 396, 79th Congress provides for grants-in-aid and other assistance to States in the establishment, maintenance, operation and expansion of school lunch programs; and

Whereas the allocation of funds to States participating in such school lunch program is now based upon the total enrollment of school-age children; and

Whereas the States of Hawaii and Louisiana, with 70 percent of all public school children participating, have the highest percentage of participation, thereby receiving a lower per capita appropriation under this act in comparison to States who receive a greater per capita appropriation as a result of a lower percentage of participation; and

Whereas the American School Food Service convention in San Francisco in August of 1959 made a study of the school lunch program, which showed that States like Hawaii favor a change in policy emphasizing the percentage of participation of school children rather than the total enrollment of school-age children; and

Whereas it would be directly beneficial to all public school children of the State of Hawaii that the policy of the National School Lunch Act be amended accordingly; and

Whereas the Honorable Oren E. Long, U.S. Senator from Hawaii, has introduced bill No. S. 2442 in the U.S. Senate, and bill No. H.R. 8962 has been introduced in the U.S. House of Representatives to resolve the problem described herein: Now, therefore, be it

Resolved by the House of Representatives of the First Legislature of the State of Hawaii, budget session of 1962 (the Senate concurring), That this body hereby respectfully requests the Honorable Senators from Hawaii, Oren E. Long and Hiram L. Fong, and the Honorable Representative from Hawaii, Daniel K. Inouye, and all the Honorable Senators and Representatives of the U.S. Senate and the U.S. House of Representatives, respectfully, to vote in favor of either S. 2442 or H.R. 8962; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, U.S. Office of Education, the Honorable Senators from Hawaii, Oren E. Long and Hiram L. Fong, and the Honorable Representative from Hawaii, Daniel K. Inouye.

HOUSE CONCURRENT RESOLUTION No. 24

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII,
March 29, 1962.

We hereby certify that the foregoing concurrent resolution was this day adopted by the House of Representatives of the First Legislature of the State of Hawaii, budget session of 1962.

ELMER F. CRAVALHO,
Speaker, House of Representatives.
SHIGETO KAMEMOTO,
Clerk, House of Representatives.

THE SENATE OF THE STATE OF HAWAII,
April 9, 1962.

We hereby certify that the foregoing concurrent resolution was this day adopted by the Senate of the First Legislature of the State of Hawaii, budget session of 1962.

W. H. HILL,
President of the Senate.
WM. H. YIM,
Clerk of the Senate.

Senator JORDAN. Mr. Howard P. Davis, Director, Food Distribution Division, Agricultural Marketing Service, U.S. Department of Agriculture.

We are glad to have you with us, sir.

STATEMENT OF HOWARD P. DAVIS, DIRECTOR, FOOD DISTRIBUTION DIVISION, AGRICULTURAL MARKETING SERVICE, U.S. DEPARTMENT OF AGRICULTURE

Mr. DAVIS. Thank you, sir. I have with me my deputy, Samuel C. Vanneman.

Senator JORDAN. Glad to have you with us also.

Mr. DAVIS. We are pleased to appear before this subcommittee to discuss the provisions of H.R. 11665, which was approved by the House of Representatives on June 5, 1962.

This bill is identical in purpose, but not in specific language, to S. 2442, introduced on August 18, 1961, by Senator Long of Hawaii for himself and Senator Burdick. The Department reported favorably on S. 2442 in a letter to Senator Ellender, chairman of the Committee on Agriculture and Forestry, dated September 7, 1961.

The Department recommends enactment of H.R. 11665, but, as discussed later in this statement, we are recommending certain changes in section 6 of this bill. This section authorizes special assistance to schools drawing attendance from areas in which poor economic conditions exist.

It has been quite a number of years now since the Department has appeared before this subcommittee to discuss the school lunch program. Therefore, I should like to begin our presentation with a brief review of past developments and progress under the program.

Federal assistance to school lunch programs began in the mid-1930's when foods acquired by the Department under the authority of section 32 were donated to schools for use in school lunch programs. In 1943, when wartime demand for food had virtually eliminated surplus-removal purchase, the Department inaugurated a new program under which section 32 funds would be used to make cash payments to schools to help them to make local purchases of food.

In the next 3 fiscal years—1944 through 1946—the authority to operate this type of cash reimbursement program with section 32 funds was provided in the annual appropriation act for the Department of Agriculture.

The National School Lunch Act was approved by the President in June 1946. It placed responsibility for the administration of the program in State educational agencies.

They select schools for participation, make agreements with participating schools, pay reimbursement claims from funds advanced to the States by the Department, and generally supervise operations in the local schools within the policies and regulations established by the Department of Agriculture. The act did provide, however, that the Department of Agriculture would continue to administer the program in private schools in those States where, by State law, the State educational agency was prohibited from disbursing funds to private schools.

The Department now administers the private school program in 28 States and in the territory of Guam.

Other major features of the National School Lunch Act were:

(a) A specific formula for the distribution of cash assistance funds among the States.

(b) Direction to the Secretary of Agriculture to determine nutritional standards for lunches served. The type A lunch established to meet these standards includes a half pint of milk, a protein-rich food, fruits and vegetables, bread and butter or fortified margarine

(c) Direction to the Secretary of Agriculture to establish a maximum rate of cash reimbursement for each lunch served in participating schools.

(d) A requirement that lunches be served free or at a reduced price to children unable to pay the prevailing price.

(e) A requirement that participating schools operate their lunch programs on a nonprofit basis.

(f) Section 6 of the act gave the Secretary of Agriculture authority to use a portion of the appropriation for the direct purchase of foods for distribution to participating schools.

(g) Provision was made for the continued distribution of section 32 foods to participating schools. Also, section 416 of the Agricultural Act of 1949 provides authority to donate to school lunch programs, food commodities acquired under price support operations.

(h) The act also provided for the matching of Federal cash grants from sources within the State at a 3 to 1 ratio beginning in 1955, with downward adjustments for States having a per capita income below the national average. The value of commodities donated to schools does not have to be matched. Also, as interpreted on the basis of legislative history, children's payments for lunches are considered as part of the matching funds.

The act provides that at least 75 percent of the annual appropriation be provided to states in the form of cash payments. Up to 3½ percent can be used by the Secretary for his administrative expenses and the remaining amount, 21½ percent, may be used to make special purchases for the program as authorized by section 6.

In actual practice, more than the minimum amount is provided to the states in the form of cash payments. Federal administrative expenses this year are about 1.7 percent of the appropriation and the amount reserved for section 6 purchases has been established at approximately 15 million dollars for a number of years.

In 1962, for example, 85.7 percent of the appropriation was used for cash reimbursement, or \$12.4 million more than required under the minimum 75 percent requirement.

Since 1959, Congress has also authorized the transfer of additional sums of section 32 funds to supplement the section 6 direct procurement program. The following table shows the amount of Federal cash and commodity food assistance available to the school lunch program for this fiscal year:

<i>Fiscal year 1961-62</i>		<i>Millions of dollars</i>
Appropriation:		
Cash food assistance.....		\$98. 6
Purchase of sec. 6 commodities.....		14. 4
Special commodity funds:		
Transfer from sec. 32.....		45. 0
Additional sec. 6 funds.....		10. 0
Sec. 32 and sec. 416 donations this year: Estimated cost.....		111. 0
Grand total.....		279. 0

With respect to the additional \$10 million made available for section 6 commodity purchases, the Congress authorized that up to \$2½ million can be used to inaugurate a program of special assistance to needy schools which because of poor local economic conditions (1) have not been operating a school lunch program or (2) have been serving free or at substantially reduced prices at least 20 percent of the lunches to children.

State and local sources, exclusive of children's payments for lunches, have also provided increasingly greater support to the lunch program. At the present time, over \$250 million is coming into the program from these sources. Out of a total program cost of \$1.2 billion for this year, about 24 percent comes from the Federal Government, 55 percent from children, and 21 percent from State and local sources.

This year, 14.1 million children are participating in the program. This represents about 32.5 percent of the children enrolled in elementary and secondary schools. Almost 2.4 billion lunches were served to these children and 1 out of 10 of these lunches was served free or at reduced prices to children who could not afford to pay the full price of the lunch. Table I, attached to the statement, provides a selected program statistics for 1946-47, the first year of operations under the act, and for 1962-62, the current year.

The bill before this subcommittee is primarily concerned with a new formula for apportioning cash food assistance funds among the States and territories and with the addition of a new section to the National School Lunch Act which would authorize a program of special assistance for schools which draw their attendance from areas in which poor economic conditions exist.

Also involved is a new method of dividing a State's share of the total cash assistance funds between public and private schools in any State where State law is such as to make it necessary for the U.S. Department of Agriculture to administer the lunch program in private schools.

THE APPORTIONMENT FORMULA

As previously indicated, the National School Lunch Act now prescribes the formula under which these cash assistance funds shall be apportioned among the States and territories. The formula involves two factors: (1) The school-age population in each State—a measure of the maximum potential size of the program; and (2) the relationship of each State's per-capita income to national per-capita income—a measure of the relative need of the various States for Federal assistance.

The act provides that States shall use these funds to reimburse participating schools on the basis of the number of lunches served. The maximum allowable payment of 9 cents for a type A lunch has been established by Department regulations, but, this year, the national average Federal cash assistance rate will be approximately 4.2 cents.

Because the program has grown faster in some States than in others in actual practice the average per-meal rates of cash assistance any State is able to pay to its participating schools out of its share of the available cash funds, tends to be related more to the rate of program growth than to need, as measured by the per-capita income of a State. In other words, the States share in the cash funds on the

basis of the number of school-age children in the State, adjusted by relative need. However, they disburse the funds to schools on the basis of the number of lunches served to those children who are actually participating in the program.

Thus, a higher income State with below average participation may be able to reimburse its schools with a higher average per-meal payment out of its share of the funds than can a lower-income State with above average participation. The first column of table III illustrates the effect of the current formula. States are ranked by income, from the highest to the lowest, together with the estimated average per-meal rates of assistance that can be provided to schools by the various States this school year.

Likewise, the act now provides that when a State's share of the cash assistance funds must be divided between the public and private schools, such a division be based upon the relative number of children attending school in each type of school within the State. Here, too, variations in the rate of school lunch growth can result in differences within a State in the average rate of payment that can be provided to public schools by the State and to private schools by the Department. This is a problem, of course, only in those States where it is necessary for the Department to administer the program in private schools.

The bill before the subcommittee would take differences in the rate of program growth into account by substituting the factor of participation in the apportionment formula for the number of school-age children. The cash assistance funds would be apportioned among the States on the basis of the number of type A lunches served in each State in the preceding year, with below-average income States receiving relatively more assistance per meal than average or above-average income States.

In the proposed formula, the lower income States would be provided with a larger per meal allowance by applying a value of five to each lunch served in average or above-average income States and a higher value, up to a maximum of nine, in below-average income State.

In table II there is shown the resulting per meal payments that would have been provided for 1962 under a total cash assistance fund of \$98.6 million, \$118.6 million, and \$139.9 million. Table III shows the same data in dollar amounts.

As table III illustrates, the minimum rate assigned to any State under the proposed formula is the rate assigned to the average-income State. Also, the minimum rate in any year would depend upon the amount of funds made available by the Congress for apportionment to the States in that year. In 1961-62—referring again to table II—the minimum rate would be 3.5 cents at \$98.6 million; 4.2 cents at \$118.6 million; and 5 cents at \$139.9 million.

The same factor of participation—as measured by the number of type A meals served in the preceding year—would be used to divide funds between public and private schools within a State whenever such a division is necessary. This would result in the same average per meal rates of assistance for public schools and private schools, in those States in which the program in private schools, because of State law, is directly administered by the U.S. Department of Agriculture.

We have, as previously indicated, provided for a 1-year transition from the old to the new apportionment formula. For the first year,

half of the cash assistance funds would be apportioned under the old formula and half under the new method. For the second year, the new formula would be fully effective. Table IV shows the possible apportionments to States under the current and proposed formula during the transition period.

One additional technical change is provided in the bill. Currently, the income factor is measured by the per-capita income figures for the latest year that can be certified by the Department of Commerce.

This bill provides that a 3-year moving average of per-capita income shall be used in the apportionment formula, using the latest 3 years available from the Department of Commerce. This change will help eliminate abrupt year-to-year changes that now may occur in a State's share of the available funds and, thus, help in the more orderly development of the program.

We feel that these changes are desirable in order to correct inequities that have developed, since 1947, in the application of the present apportionment formula.

Currently, those States which have been most successful in extending the program to more schools and to more children have found themselves in the position of having to spread available cash funds thinner and thinner as the number of type A lunches steadily increased. This, necessarily, has served to impede further development of the program. We believe the proposed formula will provide an equitable basis for the division of the amount of cash assistance funds that the Congress annually will make available under the regular appropriate process.

EXTENSION TO AMERICAN SAMOA

The bill before the subcommittee would extend the school lunch program to American Samoa. Such an extension was recommended by the Study Mission to Eastern—American—Samoa, which was established pursuant to Senate Resolution 330, 86th Congress. Because of the absence of a participation record, the bill provides that \$25,000 shall be reserved for use in American Samoa for each of the first 5 fiscal years following enactment of the bill. Thereafter, American Samoa would receive funds based upon actual participation and relative need under the regular apportionment formula.

Almost 7,000 children are enrolled in elementary and secondary public and private schools in American Samoa. Development of the lunch program there may be slow and any rapid progress will probably depend upon the provision of more adequate school facilities. Nonetheless, a beginning could be planned once Federal assistance was available.

SPECIAL ASSISTANCE

Section 6 of H.R. 11665 would establish a new section 11 in the National School Lunch Act.

The purpose of this section is to make special provisions for those communities and those children that are least able to take advantage of the school lunch program. These schools draw their attendance from areas in which poor economic conditions exist and where a large proportion of the children would need to receive free or substantially reduced price meals if a school lunch program were to be operated.

Our experience has demonstrated that the amount of cash assistance that can now be provided to these schools under the regular school

lunch assistance program, together with the limited amount of funds that such communities can provide, is not sufficient to finance the cost of serving school lunches to all of the children in the school who need to receive lunch at no cost or at a token charge of, perhaps, a few pennies or 5 or 10 cents. The funds authorized to be appropriated under section 11 would be used by State educational agencies to provide these schools with sufficient Federal cash food assistance to permit the needy children to have the benefits of an adequate school lunch.

When H.R. 11665 was reported out by the House Committee on Education and Labor, this new section 11 provided considerable administrative authority to the Secretary of Agriculture to determine the manner in which these funds were to be used.

However, the report accompanying the bill included guidelines for the use of these funds which had been submitted to that committee by the Department.

As you know, section 11 was substantially amended during the course of House debate upon the bill to incorporate these guidelines into the language of the bill. As passed by the House, the new section 11 contains provisions on the method to be used to apportion funds appropriated for special assistance; outlines the factors to be considered by State educational agencies in the selection of schools for special assistance and in the determination of the amount of assistance to be provided; and authorizes the Secretary of Agriculture to provide special assistance to such private schools in those States where the program in private schools must be directly administered by the Department of Agriculture.

The Department does not object to the inclusion of specific language in the new section outlining the terms and conditions under which the funds appropriated for special assistance will be apportioned to state educational agencies and disbursed to schools.

We are, however, submitting for consideration by the subcommittee, new language for this section which will make these guidelines more definitive, provide clarifications we believe necessary in the language, and permit the Department to effectively administer this added phase of the school lunch program. Copies of the proposed new language have been provided to the Committee with this statement.

We believe we can best present our recommendations by a subsection by subsection analysis of our recommended change.

Subsection (a): This subsection authorizes an appropriation of \$10 million for 1963 and such sums as may be necessary in succeeding fiscal years. This is in line with the appropriation authority provided in the new section 11 as passed by the House.

Subsection (b): This subsection reserves 3 percent of the funds appropriated for apportionment to Puerto Rico, the Virgin Islands, Guam, and American Samoa. In the House version this is the maximum percentage that could be made available, but the Secretary could apportion a lesser amount. Without operating experience, we believe a specific percentage should be reserved for use in these territories.

This apportionment would be divided among these territories on the basis of the number of free and reduced-price meals served, as provided in H.R. 11665. However, the language clarifies the specific manner in which this factor would be used to make such a division.

Also, because American Samoa will be participating for the first time in 1963, a specific reserve of \$5,000 is established for its use in 1963.

A new provision is included in this subsection to provide for the return to the Department, during the course of each year, of any unneeded funds initially apportioned to any territory, to be then paid to other of the territories justifying the need for additional special assistance funds.

Subsection (c): This subsection concerns the apportionment of the remaining funds among the "States," other than Puerto Rico, the Virgin Islands, Guam, and American Samoa.

As passed by the House, 97 percent of the appropriation would be apportioned among these States on the basis of three factors: (1) The relative number of free or reduced-price lunches served in the preceding fiscal year; (2) the need of students for free and reduced-price lunches; and (3) the assistance need rate, which is a value between 5 and 9 as used in the new formula to apportion regular cash assistance funds.

At this time, and without operating experience, the Department is not in a position to develop a statistical measurement of the unmet need for free or reduced-price lunches as would be required by the second of these factors. Therefore, we are proposing an alternative method to insure each State a share of the available funds, and, at the same time, recognize that the unmet needs for free and reduced-price lunches may be relatively greater in some States than in others.

Subsection (c) would initially apportion not less than 50 percent of the funds to these States on the basis of the number of free or reduced-price lunches served in each State in the preceding fiscal year and the assistance need rate—the first and third factors contained in the House version of the bill.

The remaining amount would be held in reserve by the Secretary to be apportioned in the same manner to those States justifying the need for additional funds over and above their initial apportionment. In this manner, assurance is provided that schools with a similar degree of need in all States can be helped under this special assistance program.

Also, this subsection would be, as does subsection (b), provide for the return during the course of the year of any unneeded funds initially apportioned to each of the States.

Senator JORDAN. May I ask a question at that point?

Mr. DAVIS. Yes, sir.

Senator JORDAN. That unused portion, is that reapportioned to other States, or does it just come back to the Treasury as unused funds?

Mr. DAVIS. No, sir; that would be returned for possible use in the other States.

Senator JORDAN. Suppose the other States do not need it?

Mr. DAVIS. If it were not needed by the other States, it then would return to the Treasury.

Senator JORDAN. Of course, they could say they needed it if it is free money.

Mr. DAVIS. Except that we would require a justification of their need on the basis of the schools that they had which satisfied these criteria that are contained in the section.

Senator JORDAN. Thank you.

Mr. DAVIS. Subsection (d): This subsection is intended to provide clear authority to the Secretary to pay to States any special assistance funds apportioned to it. Payments would be made in the manner authorized for the payments of regular cash assistance funds to States—through a certification by the Secretary to the Secretary of the Treasury.

Subsection (e): This subsection retains the five factors included in the House version of the bill which are to be considered by State educational agencies in selecting schools for special assistance and in determining the amount of special assistance to be provided. However, the language we are recommending clarifies the intent of the Department that these funds shall be used for food assistance. Also, as is the case in the regular food assistance program, it is provided that the Secretary will establish a maximum amount that may be paid to any school for each type A lunch that is served to attending children.

Subsection (f): This subsection retains the provisions in the House version of the bill pertaining to the operation of the special assistance program in private schools in those States in which the Department must directly administer the private school lunch program.

Subsection (g): This subsection provides that the special assistance program shall be administered in the same manner as the program of regular assistance and that schools shall meet the same operating standards.

Specifically, it will carry over to the special assistance phase, provisions in other sections of the act such as those requiring an agreement between the Department and State educational agencies and between selected schools and the State educational agency; the keeping of necessary records and their availability for audit; and the prohibitions against imposing any requirements with respect to the curriculum of, or the methods of instruction used by participating schools.

Also, schools receiving special assistance would be required to meet the standards of operation established in section 9 of this act. These concern such matters as the nutritional quality of the lunches served, the nonprofit basis of lunchroom operations, the determination by local school authorities of those children unable to pay the full price of the lunch, and the prohibition against the physical segregation or other discrimination against children receiving a free or reduced-price lunch.

We appreciate the opportunity to make this statement and we will be glad to answer any questions you may have.

(The attachments to the prepared statement of Howard P. Davis are as follows:)

NATIONAL SCHOOL LUNCH PROGRAM

TABLE I.—*Selected program statistics, fiscal years 1947 and 1962*

	Fiscal year 1947	Fiscal year 1962 preliminary
1. Total school enrollment (including territories)-----	26,606,077	43,415,735
2. Participation:		
(a) Number of schools-----	34,144	64,447
(b) Number of children-----	4,545,129	14,090,148
(c) Number of children as a percent of total enrollment-----	17	32.5
3. Local food purchases by schools-----	\$128,648,278	\$610,000,000
4. Total cost of program:		
A. Federal contributions:		
(a) Cash payments to States-----	¹ \$59,896,235	\$98,600,000
(b) Sec. 6 procurement-----	5,735,269	69,434,000
(c) Surplus commodities-----	2,312,479	111,000,000
(d) Administration-----	2,075,000	1,966,000
Total Federal contribution-----	70,018,983	281,000,000
B. State contributions:		
(a) Children's payments-----	112,540,000	650,000,000
(b) State and local government-----	20,616,000	100,000,000
(c) Other local-----	17,532,000	150,000,000
Total State contribution-----	150,688,000	900,000,000
C. Grand total cost of program-----	¹ 220,706,983	1,181,000,000

¹ Does not include \$9,702,990 for equipment.

TABLE II.—Average per meal rate of assistance under present formula for apportionment and under proposed formula

[Cents]

State ¹	With a cash assistance fund of— ²			
	\$98.6 million		\$118.6 million	\$139.9 million
	Present method	Proposed method	Proposed method	Proposed method
Delaware.....	3.0	3.5	4.2	5.0
District of Columbia.....	8.5	3.5	4.2	5.0
Connecticut.....	3.9	3.5	4.2	5.0
Nevada.....	4.9	3.5	4.2	5.0
New York.....	3.4	3.5	4.2	5.0
California.....	5.0	3.5	4.2	5.0
Alaska.....	5.4	3.5	4.2	5.0
New Jersey.....	6.8	3.5	4.2	5.0
Illinois.....	4.6	3.5	4.2	5.0
Massachusetts.....	3.8	3.5	4.2	5.0
Maryland.....	4.2	3.5	4.2	5.0
Ohio.....	4.3	3.5	4.2	5.0
Michigan.....	5.6	3.5	4.2	5.0
Washington.....	3.7	3.5	4.2	5.0
Colorado.....	3.3	3.5	4.2	5.0
Pennsylvania.....	4.9	3.5	4.2	5.0
Oregon.....	3.4	3.5	4.2	5.0
Wyoming.....	3.3	3.5	4.2	5.0
Missouri.....	3.0	3.5	4.2	5.0
Rhode Island.....	7.9	3.6	4.3	5.1
Indiana.....	3.8	3.6	4.3	5.1
Hawaii.....	1.9	3.7	4.4	5.2
Wisconsin.....	4.3	3.7	4.4	5.2
Nebraska.....	3.9	3.7	4.5	5.3
New Hampshire.....	4.4	3.8	4.6	5.4
Minnesota.....	3.1	3.8	4.6	5.3
Kansas.....	3.7	3.8	4.6	5.4
Montana.....	5.3	3.8	4.6	5.4
Arizona.....	3.9	3.9	4.7	5.6
Iowa.....	2.9	3.9	4.7	5.6
Guam.....	5.4	4.0	4.8	5.7
Florida.....	3.0	4.0	4.8	5.7
Texas.....	5.8	4.0	4.8	5.7
Utah.....	3.8	4.1	4.9	5.8
Maine.....	4.6	4.2	5.1	6.0
Vermont.....	5.9	4.2	5.1	6.0
Virginia.....	3.9	4.2	5.1	6.0
Oklahoma.....	4.1	4.2	5.1	6.0
Idaho.....	4.3	4.2	5.1	6.0
New Mexico.....	4.6	4.3	5.2	6.1
South Dakota.....	5.1	4.4	5.3	6.3
North Dakota.....	3.4	4.4	5.3	6.3
West Virginia.....	5.2	4.7	5.6	6.6
Louisiana.....	2.6	4.7	5.7	6.7
Georgia.....	3.3	4.9	5.9	7.0
North Carolina.....	3.4	5.1	6.1	7.2
Tennessee.....	4.5	5.1	6.1	7.2
Kentucky.....	4.0	5.1	6.1	7.2
Alabama.....	4.6	5.4	6.4	7.6
South Carolina.....	3.9	5.7	6.9	8.1
Arkansas.....	4.5	5.8	7.0	8.3
Mississippi.....	5.2	6.3	7.6	9.0
Virgin Islands.....	3.7	6.3	7.6	9.0
Puerto Rico.....	8.1	6.3	7.6	9.0
U.S. total.....	4.2	4.2	5.0	5.9

¹ States ranked in order from highest to lowest per capita income average for latest 3 years, 1958, 1959, 1960.² Based on estimated meals in fiscal year 1962.

TABLE III.—*Payments to States under present formula for apportionment and under proposed formula*

[Thousand dollars]

State ¹	With a cash assistance fund of—			
	\$98.6 million		\$118.6 million	\$139.9 million
	Present method	Proposed method	Proposed method	Proposed method
Delaware.....	159	186	224	264
District of Columbia.....	215	89	108	126
Connecticut.....	926	833	1,002	1,182
Nevada.....	106	76	92	108
New York.....	5,834	6,070	7,302	8,614
California.....	6,143	4,376	5,263	6,209
Alaska.....	92	60	72	84
New Jersey.....	2,325	1,209	1,454	1,716
Illinois.....	3,977	3,079	3,704	4,369
Massachusetts.....	2,079	1,935	2,327	2,745
Maryland.....	1,455	1,222	1,470	1,734
Ohio.....	4,569	3,738	4,496	5,304
Michigan.....	3,858	2,423	2,915	3,438
Washington.....	1,392	1,330	1,600	1,887
Colorado.....	873	926	1,114	1,314
Pennsylvania.....	5,257	3,757	4,519	5,332
Oregon.....	893	938	1,128	1,331
Wyoming.....	175	191	230	270
Missouri.....	2,049	2,376	2,858	3,372
Rhode Island.....	395	180	217	256
Indiana.....	2,402	2,295	2,760	3,256
Hawaii.....	354	677	815	961
Wisconsin.....	2,063	1,765	2,124	2,505
Nebraska.....	734	714	859	1,013
New Hampshire.....	313	269	323	381
Minnesota.....	1,910	2,349	2,825	3,333
Kansas.....	1,161	1,185	1,426	1,681
Montana.....	406	291	350	412
Arizona.....	807	822	989	1,166
Iowa.....	1,567	2,078	2,499	2,948
Guam.....	72	54	65	76
Florida.....	2,671	3,605	4,336	5,115
Texas.....	5,820	4,077	4,904	5,785
Utah.....	604	650	782	922
Maine.....	580	532	640	755
Vermont.....	237	172	207	243
Virginia.....	2,460	2,663	3,203	3,779
Oklahoma.....	1,406	1,448	1,742	2,055
Idaho.....	465	460	553	652
New Mexico.....	697	659	792	934
South Dakota.....	426	372	447	527
North Dakota.....	430	559	672	792
West Virginia.....	1,366	1,236	1,487	1,754
Louisiana.....	2,501	4,491	5,402	6,373
Georgia.....	2,988	4,485	5,394	6,364
North Carolina.....	3,598	5,364	6,452	7,611
Tennessee.....	2,686	3,044	3,661	4,319
Kentucky.....	2,342	2,966	3,567	4,208
Alabama.....	2,779	3,241	3,898	4,599
South Carolina.....	2,270	3,343	4,021	4,743
Arkansas.....	1,582	2,053	2,469	2,913
Mississippi.....	2,403	2,966	3,568	4,209
Virgin Islands.....	38	64	77	91
Puerto Rico.....	3,690	2,657	3,196	3,770
U.S. total.....	98,600	98,600	118,600	139,900

¹ States ranked in order from highest to lowest per capita income average for latest 3 years, 1958, 1959, and 1960.

TABLE IV.—*Payments to States under present formula for apportionment and under proposed formula during transition period* ¹

[Thousand dollars]

State ²	With a cash assistance fund of—			
	\$98.6 million		\$118.6 million	\$139.9 million
	Present method	Proposed method	Proposed method	Proposed method
Delaware.....	159	172	208	245
District of Columbia.....	215	152	183	216
Connecticut.....	926	879	1,058	1,248
Nevada.....	106	91	110	130
New York.....	5,834	5,952	7,160	8,445
California.....	6,143	5,259	6,326	7,462
Alaska.....	92	76	91	107
New Jersey.....	2,325	1,767	2,125	2,507
Illinois.....	3,977	3,528	4,244	5,006
Massachusetts.....	2,079	2,007	2,414	2,848
Maryland.....	1,455	1,339	1,610	1,899
Ohio.....	4,569	4,154	4,996	5,894
Michigan.....	3,858	3,140	3,778	4,456
Washington.....	1,392	1,361	1,637	1,931
Colorado.....	873	900	1,082	1,277
Pennsylvania.....	5,257	4,507	5,421	6,395
Oregon.....	893	916	1,101	1,299
Wyoming.....	175	183	220	260
Missouri.....	2,049	2,212	2,661	3,139
Rhode Island.....	395	288	346	408
Indiana.....	2,402	2,349	2,825	3,332
Hawaii.....	354	516	620	732
Wisconsin.....	2,063	1,914	2,303	2,716
Nebraska.....	734	724	871	1,207
New Hampshire.....	313	291	350	412
Minnesota.....	1,910	2,129	2,561	3,021
Kansas.....	1,161	1,173	1,411	1,665
Montana.....	406	348	419	494
Arizona.....	807	815	980	1,156
Iowa.....	1,567	1,822	2,192	2,585
Guam.....	72	63	76	90
Florida.....	2,671	3,138	3,774	4,452
Texas.....	5,820	4,949	5,952	7,021
Utah.....	604	627	754	889
Maine.....	580	556	669	789
Vermont.....	237	205	246	290
Virginia.....	2,460	2,562	3,081	3,635
Oklahoma.....	1,406	1,427	1,717	2,025
Idaho.....	465	462	556	656
New Mexico.....	697	678	815	962
South Dakota.....	426	399	480	566
North Dakota.....	430	494	595	701
West Virginia.....	1,366	1,301	1,565	1,846
Louisiana.....	2,501	3,496	4,205	4,960
Georgia.....	2,988	3,736	4,494	5,301
North Carolina.....	3,598	4,481	5,390	6,358
Tennessee.....	2,686	2,865	3,446	4,065
Kentucky.....	2,342	2,654	3,192	3,766
Alabama.....	2,779	3,010	3,621	4,271
South Carolina.....	2,270	2,806	3,376	3,982
Arkansas.....	1,582	1,818	2,186	2,579
Mississippi.....	2,403	2,685	3,229	3,809
Virgin Islands.....	38	51	61	72
Puerto Rico.....	3,690	3,173	3,817	4,503
U.S. total.....	98,600	98,600	118,600	139,900

¹ Represents an apportionment of funds, $\frac{1}{2}$ under the present formula and $\frac{1}{2}$ under the proposed formula.² States ranked in order from highest to lowest per capita income average for latest 3 years, 1958, 1959, and 1960.

PROPOSED NEW LANGUAGE FOR SECTION 6 OF H.R. 11665 ESTABLISHING A
NEW SECTION 11 OF THE NATIONAL SCHOOL LUNCH ACT

SEC. 11. (a) There is hereby authorized to be appropriated \$10,000,000 for the fiscal year ending June 30, 1963, and such sums as may be necessary for each succeeding fiscal year to provide special assistance to schools drawing attendance from areas in which poor economic conditions exist, for the purpose of helping such schools to meet the requirement of section 9 of this Act concerning the service of lunches to children unable to pay the full cost of such lunches.

(b) Of the sums appropriated pursuant to this section for any fiscal year, 3 percentum shall be available for apportionment to Puerto Rico, the Virgin Islands, Guam, and American Samoa. From the funds so available the Secretary shall apportion to each such State an amount which bears the same ratio to the total of such funds as the number of free or reduced-price lunches served in accordance with section 9 of this Act in such State in the preceding fiscal year bears to the total number of such free or reduced-price lunches served in all such States in the preceding fiscal year: *Provided*, That for the fiscal year ending June 30, 1963, \$5,000 shall be apportioned to American Samoa, which amount shall be first deducted from the total amount available for apportionment under this subsection. If any such State cannot utilize for the purposes of this section all of the funds apportioned to it, the Secretary shall make further apportionment on the same basis as the initial apportionment to any such States which justify the need for additional funds for such purposes.

(c) Of the remaining sums appropriated pursuant to this section for any fiscal year, not less than 50 per centum shall be apportioned among States, other than Puerto Rico, the Virgin Islands, Guam, and American Samoa, on the basis of the following factors for each State: (1) the number of free or reduced-price lunches served in accordance with section 9 of this Act in the preceding fiscal year, and (2) the assistance need rate. These factors shall be applied in the following manner: First, determine an index for each State by multiplying factors (1) and (2); second, divide this index by the sum of the indexes for all such States; and, third, apply the figure thus obtained to the total funds to be apportioned. Any funds so initially apportioned which cannot be utilized for the purposes of this section by the State to which apportioned, together with any other funds available for apportionment pursuant to this subsection (c), may be further apportioned by the Secretary on the same basis as the initial apportionment to such States which justify the need for additional funds.

(d) Payment of the funds apportioned to any State under this section shall be made as provided in the last sentence of section 7 of the Act.

(e) Funds paid to any State during any fiscal year pursuant to this section shall be disbursed to selected schools in such State to assist such schools in the purchase of agricultural commodities and other foods. The selection of schools and the amounts of funds that each shall from time to time receive (within maximum per lunch amounts established by the Secretary) shall be determined by the State educational agency on the basis of the following factors: (1) The economic condition of the area from which such schools draw attendance; (2) the needs of pupils in such schools for free or reduced-price lunches; (3) the percentages of free and reduced-price lunches being served in such schools to their pupils; (4) the prevailing price of lunches in such schools as compared with the average prevailing price of lunches served in the State under this Act; and (5) the need of such schools for additional assistance as reflected by the financial position of the school lunch programs in such schools.

(f) If in any State the State educational agency is not permitted by law to disburse funds paid to it under this Act to nonprofit private schools in the State, the Secretary shall withhold from the funds apportioned to such State under subsections (b) or (c) of this section an amount which bears the same ratio to such funds as the number of free and reduced-price lunches served in accordance with section 9 of this Act in the preceding fiscal year by all nonprofit private schools participating in the program under this Act in such State bears to the number of such free and reduced-price lunches served during such year by all schools participating in the program under this Act in such State. The Secretary shall disburse the funds so withheld directly to the nonprofit private schools within such State for the same purposes and subject to the same conditions as are applicable to a State educational agency disbursing funds under this section.

(g) In carrying out this section, the terms and conditions governing the operation of the school lunch program set forth in other sections of this Act shall be applicable to the extent they are not inconsistent with the express requirements of this section.

Senator JORDAN. Thank you, sir.

Senator Hart?

Senator HART. Mr. Davis, concern has been expressed to me that somehow or other, in the older areas of large urban centers, specifically in those places in the big city where the needs presumably of the children in attendance are greatest, the school building is oldest and lacks the facilities which enable the school district to make use of these foods. They are old buildings, they do not have cafeterias, some have no assembly halls, certainly no kitchens.

Have you any suggestions as to how the Department could help develop participation in these areas?

Is there any pilot project that you have on your shelf that you might be able to suggest?

Mr. DAVIS. Well, we have been quite concerned over this problem for a number of years, and you are quite right, this condition does exist in many of our large cities, particularly in the northeastern part of the country. There are any number of cities where they have these old buildings that were built on a neighborhood basis for the children to go home for lunch. This was before the advent of the large numbers of working mothers, and the building is so old that they are attempting to get new buildings and they do not want to put any substantial improvements in those buildings, such as kitchens, even if they had the room for them.

We have in process at this time a rather substantial study of this problem, particularly from the standpoint of central food preparation. There are a number of cities who have solved this problem by preparing foods centrally and then sending it out to the schools. The children, in turn, can either eat in some special room that has been provided, or even at their desks.

We have a rather specific study that will be completed within the next month or two in Newark, Ohio. We also have studied the possibility, the problems and the advantages, of this sort of centralized food preparation in a number of other cities—Oakland, Calif., in Newark, as I mentioned. We have taken a long look at the way they handle this very problem in New York City, where they serve some well over 100,000 lunches a day by this centralized preparation and then sending it out to these older schools. We also, under the program that I mentioned in my statement that the Congress provided for this current year, have been attempting to encourage the establishment of lunch programs in some of these areas through additional commodity assistance.

For example, in your State, I think that in this pilot operation, with this \$2.5 million limitation that we have, we have some 14 schools with an enrollment participation of slightly under 3,000 children. Now, these are located, many of them, in large cities. There are six of these schools in Detroit, for example. There they faced all of these same problems, but with some ingenuity by the community and with this special assistance that we were able to give them so that they could serve the necessary free meals, they have had quite a successful program this current year.

We feel, and we have so told the Appropriations Subcommittees that we could do this same job on a larger scale much better with cash assistance. It is much more flexible; they can provide better and more varied meals. But we have found that it is possible—I think

Detroit is an outstanding example, and certainly the District of Columbia has shown that it is possible in these cities, with these old schools, with central preparation, with community support, that they can, if they want to, establish school-lunch programs. This special assistance, of course, would be particularly helpful in some of the large cities, where whether they have been designated for area redevelopment, or whether they have extreme unemployment generally, they still have these small pockets, these undeveloped neighborhoods, these very low economic situations that would be able to take advantage of this special assistance. We could help those schools materially.

Senator HART. This special assistance, I take it, comes after a request has been received from them, from the school district to you; is that the normal course?

Mr. DAVIS. Well, actually, under the program this year, I believe the State education officials and our Federal officials actually went out to areas that they knew and explained the assistance that was available and did make sure that they knew about it. Of course, the school made up its own mind and applied.

Senator HART. The reason I pursue this, it is my information that only about 10 percent of the school population in Detroit participates in this Federal program, and tragically, of course, it is in the areas where the need is most acute that there is lack of participation.

Does the Department have and would it be able to give the committee data showing the present participation in the so-called central sections of these metropolitan centers of the country?

Is there any data that you have on that?

Mr. DAVIS. Ordinarily, of course, we deal entirely through the State educational agency, so we do not get reports that would give us that on the face of it. However, we do make a careful administrative analysis of the operations in each State each year. We could get you this information on a representative number of large cities. We do not have it in any tabulation at this point, but we would be very happy to get it for you.

Senator HART. Mr. Chairman, if there is no objection, I think it would be very helpful to some of us to have this kind of information for the file if not for the record.

Senator JORDAN. If it is possible, Mr. Davis, to furnish that information, we would appreciate it and we will insert it in the record at the conclusion of your remarks so that it will be available, not only to the subcommittee but to the full committee.

Mr. DAVIS. We will be very happy to.

(The information is as follows:)

Participation in the national school lunch program by children in schools located in a sample of large U.S. cities

City	Average daily attendance in elementary and secondary schools	Number of children participating in the national school lunch program	Percent of total attendance participating ¹
Miami.....	166,935	102,718	61.5
Philadelphia.....	241,966	11,585	4.7
Boston.....	132,135	14,896	11.2
Detroit.....	288,113	28,766	9.9
Chicago.....	299,552	49,611	16.5
Cleveland.....	139,959	(2)	(2)
San Francisco.....	86,253	14,802	17.1
Portland.....	68,849	15,665	22.7

¹ A large portion of the participation in most of the large cities is in the junior and senior high schools which, because they serve wide areas, are usually equipped with food service facilities. The relatively low participation percentages for certain cities reflect the lack of food preparation facilities in the elementary schools which generally serve neighborhood areas.

² 34 out of the 130 elementary schools in Cleveland have lunch programs but none of these schools participate in the national school lunch program. Therefore, information on participation is not available.

SENATOR HART. Under section 11, as you propose it now, do I understand that you will continue to attempt to develop special technical assistance aimed at this kind of problem?

MR. DAVIS. Yes, sir; very definitely. We feel that the two elements of the new bill would, on the one hand, insure the general run of children who can afford to make the normal payment equal treatment in all States, with perhaps a little additional help in the very needy States. But beyond that, recognizing that even in those States, with a relatively high per capita income, there are these special problems, these pockets of very extreme economic need, and we would hope that with—armed with this special cash assistance to assist these schools, then the other element that we would be able to contribute would be perhaps the impetus but more important, technical assistance in making known to the schools or pointing out to these schools possible ways in which they could establish a program, sharing with them the experience of other similar communities that have perhaps put in this centralized preparation system. And we feel, if I could digress just one moment, that as we go along, the Federal contribution to this program in the area of technical assistance to the States and to local communities in regard to management, equipment, various buying practices—the vast realm of technical assistance—is equally important with the cash assistance that we will be able to provide for the total program.

This we have been able to do on an increasing scale over the years, still within, we are rather proud to say, a relatively small administrative cost.

SENATOR HART. Well, any study or recommendation that the Department can make to improve the utilization in these high-population urban centers certainly would be helpful.

MR. DAVIS. We certainly have a problem there that is equal to the one-room school problem.

SENATOR HART. There are more bodies involved, though! That is the additional trouble.

MR. DAVIS. Yes, sir.

Senator HART. On a technical point, ours is a State which does not permit the distribution to the private schools, and I have been asked to clarify whether it is your understanding that under the new section 11, the Secretary, in making the direct grant to the private school, can include schools which do not have a record of previous participation.

Mr. DAVIS. Yes. And we are speaking now, I take it, of just this special assistance feature.

Senator HART. Which I take it is the only one that you are involved with?

Mr. DAVIS. No; we administer the regular program. We have over the years. It is provided in the original legislation. We have administered the program in 28 States in the private schools directly. Now, we would propose to do the same thing in this bill; it would provide that we do the same thing in regard to the special assistance.

Those schools which have never been able to have a lunch program, we feel, represent the first priority; really, the sort of schools that we would hope would take advantage of it.

Now, that is providing those schools meet these criteria as contained in the act.

Senator JORDAN. In other words, the private schools to receive direct assistance from the Federal Government would have to meet the same standards as the public school?

Mr. DAVIS. Yes, sir.

Senator HART. And the fact that they have not heretofore participated would not render them ineligible?

Mr. DAVIS. No, sir. In fact, that is one of the things this bill is aimed toward.

Senator JORDAN. The public schools not now availing themselves of this can come under the program if they meet the standard and the same thing applies to the private schools. It would come directly under the Secretary of Agriculture in the States that prohibit it.

Do you have a list of such States?

Mr. DAVIS. We can provide a list. I do not have one with me.

Senator JORDAN. I would like to have that if you would supply it for the record.

Mr. DAVIS. There are 28 such States and Guam.

(The information is as follows:)

STATES AND TERRITORIES IN WHICH THE DEPARTMENT OF AGRICULTURE HAS
DIRECT ADMINISTRATIVE RESPONSIBILITY FOR THE NATIONAL SCHOOL LUNCH
PROGRAM IN NONPROFIT PRIVATE (INCLUDING PAROCHIAL) SCHOOLS

Alabama	Maine	Pennsylvania
Arizona	Maryland	South Carolina
Arkansas	Michigan	Tennessee
Colorado	Minnesota	Texas
Delaware	Montana	Utah
Florida	Nebraska	Virginia
Guam	Nevada	Washington
Hawaii	New Jersey	West Virginia
Idaho	North Dakota	Wisconsin
Iowa	Ohio	

Senator HART. I know I am delaying this, but there is one last thing I did not anticipate.

A Michigan colleague of mine in the House, Mr. O'Hara, offered the amendment over there, which I take it, on your study, you now recommend be, in effect, eliminated; and in its stead, provision be

made for 50 percent. This was the amendment that required the need of students in such places for the reduced lunch. You are suggesting that that be stricken?

Mr. DAVIS. Yes, sir; but only on the basis that we recognize this as an extremely important factor. We feel that we can accomplish that factor much better with this provision for reserving 50 percent in order to meet the need which we are not able to calculate ahead of time.

In other words, if we were to use it as the element of need for free or reduced-price lunches, as contained in the House version, we would have to arrive at some quantitative measure in order to use that apportionment formula.

Factors 1 and 3 are both specific factors that we can get figures on and measure quantitatively. Now, we cannot measure, we do not know the potential need for free or reduced-price lunches until we have some experience.

It is entirely possible that as we go down the road and gain experience, we will be able to get some sort of quantitative measure for this. As a matter of fact, as the program goes into operation in these schools, the first factor, the number of free meals, will automatically reflect this need.

But until we have some experience, we have at this moment no way of calculating that potential, and we feel that it is quite important that that be a factor in the use of these funds. We can do it much better by letting the states go ahead and find the need and determine the need, and then, as they report that to us, we can use the second 50 percent to help them meet that need.

Senator HART. I think I should indicate that I will study your answer, your memorandum, and consult with Mr. O'Hara and see what his reaction is.

Mr. DAVIS. We are entirely in agreement with his aim.

Senator HART. Thank you, Mr. Chairman.

Senator JORDAN. Thank you, Senator Hart.

Senator YOUNG?

Senator YOUNG of Ohio. I am a supporter of this program, but I want to ask about this proposed extension to American Samoa. I fail to find any justification for that. You say it was recommended by a study mission to eastern Samoa. Now, was this extension, which will cost a proposed \$125,000 of taxpayers' money, recommended by some bright boy in the Department who just came across the idea that American Samoa was omitted and it would be a good idea for someone feeding at the public trough here in the United States to go far away to a lush country like Samoa and supervise spending \$125,000 over a period of 5 years to provide a lunch program for 7,000 children there?

I feel that you should furnish this subcommittee with some evidence that there is need for this. I have not been to Samoa, but I have been in the Virgin Islands. I have been there a good many times. It does not seem to me there is destitution prevalent down there that I could observe. From all I have read and heard about American Samoa, I am very doubtful if any children there are suffering from malnutrition.

I think that the subcommittee is entitled to some evidence on that subject.

Mr. DAVIS. I believe, sir, that there were extensive hearings on the proposed new status for American Samoa, that has been put into legislation as a result of this study committee that was authorized by the Senate.

Now, it is my understanding that our only aim here was to bring this particular piece of legislation, since it was coming in at this time, into harmony with the legislation that was passed that included the total status and Federal benefits that were being extended to American Samoa in similar manner to the other territories.

Senator YOUNG of Ohio. Perhaps it was a mistake to include Guam in this. Perhaps there is not any destitution or malnutrition there. If that is so, I suppose it occurred to someone that American Samoa was the only little territory left out, so now, let's fill that in and spend \$125,000. I think we are entitled to some evidence on the need for it.

Mr. DAVIS. I wonder if we might, Senator Young, insert or present for the committee the pertinent portions of that report which apply to the school lunch program?

Senator YOUNG of Ohio. I think this subcommittee should have some evidence, because I personally would not feel justified in supporting this expansion without seeing some evidence, and I would feel justified in offering an amendment to strike it out. I would like to know why it is necessary for Guam and American Samoa. What suffering and malnutrition exist there? You do not have to convince me about parts of West Virginia and certain other sections of our country. I am glad to say there are few in Ohio. But I am going to clamp down on this if the idea is to just give someone a chance to supervise over and enjoy himself in a so-called hardship post, which is not a hardship post at all.

I think all the members of this subcommittee are entitled to have some information on that.

I do not think, Mr. Chairman, I have anything else.

Senator HART. I would be interested to see the information. But it is not my notion that this is aimed at those who are suffering from malnutrition.

Senator YOUNG of Ohio. I understand the purpose of this. But regarding American Samoa, is there a necessity for extending the program to that far-off place? If none whatever, I think we would be justified in striking it out. On the other hand, there may be a justification for it. I would like to know, that is all.

(The information is as follows:)

INFORMATION AS TO THE NEED TO EXTEND THE NATIONAL SCHOOL LUNCH PROGRAM TO AMERICAN SAMOA

(Following excerpt is from page 104 of the report of the study mission to Eastern (American) Samoa, by Senators Oren Long of Hawaii and Ernest Gruening of Alaska (sec. VII, Federal Supplements to Education))

"In the field of nutrition, it is essential for an organized school lunch program to be in effect in the entire public school system. Many children come to school with little or nothing to eat. The subsistence economy under which most of the children live will not permit them to get the proper nourishment during the school day.

"American Samoa has recently been receiving available surplus foods from the U.S. Department of Agriculture, and some efforts have been made to use these in school lunches. The surplus foods supplied, however, have had to be limited to nonperishable items because of the lack of refrigerated shipping space from

the mainland to American Samoa. These foods although welcome, have added to a diet that is already heavy in starches. The mere supplying of surplus foods does not permit the operation of a needed systematized school lunch program such as is provided for by the National School Lunch Act. American Samoa is not now eligible for participation under this act since the act does not apply to the territory. Legislation should be enacted to extend it to American Samoa in order that the nutritional and educational benefits of this law may become available to the children of this territory."

NOTE.—Legislation to extend the application of certain laws has been passed by the House (H.R. 10062) and the Senate (S. 2440). Both bills provide for inclusion of American Samoa under the National School Lunch Act.

Senator JORDAN. Mr. Davis, at that point, do you know whether Samoa has public schools or are they all private schools?

Mr. DAVIS. No, sir; they have both.

Senator JORDAN. They have both?

Mr. DAVIS. Yes, sir.

Senator JORDAN. You do not know what percentage?

Mr. DAVIS. No, I do not.

Senator JORDAN. Along with the information Senator Young asked for, could you give us some estimate of that, and also in the Virgin Islands and these other territories that are being brought in under this program or are now participating in this program?

Mr. DAVIS. You would like the participation figures for the territories, the potential and public and private schools in Samoa?

Senator JORDAN. Yes; and these other territories that are now receiving assistance or coming in under this act.

Mr. DAVIS. Private and public, yes, sir.

Senator JORDAN. Senator Young, I just asked for the number, if possible, to get the information on how many—for instance, in American Samoa, how many public schools are there and how many private schools. Some of these territories have practically no public schools at all.

Senator YOUNG. That is right. I wondered about that.

Senator HART. I have heard it suggested that American Samoa is one of our poorest advertisements; while we lash other world powers about their obligations, we have done a wretched job with Samoa.

I would like to see something to evaluate this problem.

(The information is as follows:)

Number of children enrolled in public and nonprofit private schools (elementary and secondary) in the territories

	Public	Private	Total
Puerto Rico.....	581,204	48,310	629,514
Guam.....	14,148	2,230	16,378
Virgin Islands.....	7,349	2,320	9,669
American Samoa.....	5,303	1,460	6,763

Senator JORDAN. There is something else. Turn to page 14 on your remarks there. Next to the last paragraph,

* * * the keeping of necessary records and their availability for audit; and the prohibition against imposing any requirements with respect to the curriculum of, or the methods of instruction used by participating schools.

Is there anything in this bill that gives the Secretary of Agriculture any right to say what they teach and what they do not teach?

Mr. DAVIS. No, sir; in the original act and by amending section 11 to insure that that provision applies here also, the Secretary and the Department of Agriculture were specifically prohibited from any regulation or any attempted direction, any interference of any sort with curriculum, what was to be taught, how, or anything in regard to the educational phase of the school.

Senator JORDAN. That is in this bill?

Mr. DAVIS. Yes, sir. It was not—there is some question in the House version of this section 11 as to whether these other provisions of the act would apply to section 11. That is one reason why we felt that it was important to expressly say in this section 11 that all the other provisions of the act, as far as they were applicable, would also apply to this section 11. This is one of them.

Senator JORDAN. Now, a little bit further down, right at the bottom,

* * * the determination by local school authorities of those children unable to pay the full price of the lunch, and the prohibition against the physical segregation or other discrimination against children receiving a free or reduced-price lunch.

Just what does that mean right there?

Mr. DAVIS. Well, sir, examples of what might be considered such discrimination would be having these children eat in a separate portion of the lunchroom, or perhaps giving them a different menu, a lower-cost menu, or giving them a different colored ticket whenever one—in many schools, they buy their lunch tickets for a whole week at one time to reduce the money-handling problem. They could not give the children receiving free lunches a red ticket while the rest of the tickets were blue—anything that would distinguish that child as being a recipient of a free or a reduced price lunch is expressly prohibited. We would want this to apply here also. Even though half of the children might pay 10 cents for the lunch and the rest free, and that 10 cents, a very nominal charge, we would still not want them to discriminate between the two groups.

Senator JORDAN. That is solely for the purpose of not discriminating between those who get free lunches and those who pay for their lunches.

Mr. DAVIS. Yes, sir.

Senator JORDAN. It is not for segregation as to race or color and so forth?

Mr. DAVIS. That is right.

Senator JORDAN. I think that is right.

Senator YOUNG of Ohio. Another question has occurred to me. Okinawa is governed entirely by our country. They have far more children there in their public and private schools. How does it come that that has been overlooked?

Mr. DAVIS. It has not been overlooked, sir. Under section 416 of the Agricultural Act of 1949, which provides for donating foods to schools in this country and to needy persons in this country, also applies to those nations outside the territories, so that Okinawa is receiving surplus foods under section 416 for help with their schools.

Senator YOUNG of Ohio. I am not referring to that. This national school lunch program is in effect in various of the States, Puerto Rico, Virgin Islands, and Guam, and now American Samoa is added.

I do not see Okinawa anywhere. What explanation is there for that, or is that next on the agenda to be added?

Mr. DAVIS. I believe, Senator, that Okinawa doesn't enjoy the same legal status as the other territories in relation to Federal benefits. Frankly, I am not well informed on this but that is my understanding.

Senator YOUNG of Ohio. It is the most expensive real estate in the entire world from the standpoint of fortifications and it is entirely run by the U.S. Government. It is a very important outpost of our country. That cannot be said about American Samoa. I am not looking for places to spend more taxpayers' money, but someone is evidently worrying about American Samoa, and I just wondered about Okinawa. I am not asking for a report on that, but I feel this subcommittee should have information on American Samoa, on the public and private schools and their situation there.

Senator JORDAN. There is one other question I would like to ask, Senator Young and Senator Hart. I understand—I am not positive about this, but from information that I got when I was in Puerto Rico, the public schools in Puerto Rico do not teach English in their schools, which I think is a shame, because an American possession, one of our territories, they do not even consider themselves Americans, they say they are Puerto Ricans, they cannot even speak English, many of them. I am opposed to putting school aid of any description into a school that belongs to the United States and will not teach English. You know they have the problem of voting in New York right now with the Puerto Ricans.

I would like to have a little information on that, and you can get that, I am certain. I think if they are going to receive aid from the United States, they ought to be able to speak English and say "I would like to have a little bread" instead of calling it something other than bread.

Senator HART. We have to watch that Federal control of the curriculum, now.

Senator JORDAN. We can get them to start teaching English in the schools.

(The information is as follows:)

Most schools begin teaching English in the first grade, when the study of it is optional.

Starting in the middle grades (about the seventh), the study of English is compulsory for a minimum of 5 years.

(Source: Office of Education, Department of Health, Education, and Welfare.)

Senator JORDAN. Are there any other questions?

Senator HART. No.

Senator YOUNG of Ohio. No.

Senator JORDAN. Thank you very much, Mr. Davis. If you will supply this information for the record, we will appreciate it very much. We thank you very much for your fine testimony.

Mr. Richard C. Shipman, assistant director, Legislative Services, National Farmers Union.

Mr. Shipman, we are glad to have you with us and we will be glad to hear from you.

**STATEMENT OF RICHARD C. SHIPMAN, ASSISTANT DIRECTOR,
LEGISLATIVE SERVICES, NATIONAL FARMERS UNION**

Mr. SHIPMAN. Thank you, Senator.

Senator JORDAN. Do you have a copy of your prepared statement?

Mr. SHIPMAN. Yes.

Senator YOUNG of Ohio. I have read it; it is a good statement, and I am happy to say it is very brief.

Mr. SHIPMAN. Thank you.

Mr. Chairman and members of the committee, my name is Richard Shipman. I am assistant director of Legislative Services of National Farmers Union. I appear here this morning as a representative of James G. Patton, president of National Farmers Union, and speak in behalf of 250,000 farm families who are members of our organization.

National Farmers Union wishes to express strong support for the new methods of apportioning money to the States and the provisions for special assistance to needy schools as contained in H.R. 11665 and S. 2442, amending the National School Lunch Act.

We also wish at this time to express our appreciation for the work and wisdom of this committee in caring for the nutritional needs of the Nation's children as evidenced by the success and growth of the school lunch program. We in Farmers Union share this concern for the future citizens of our country and have supported Federal policies and programs designed to provide opportunity for the fullest attainment of the aspirations and needs of all.

Consistent with this principle, we believe the school lunch program should, as rapidly as possible, be expanded and offered to every school in the country and administered with equity to all areas with special emphasis on need. We believe S. 2442 and H.R. 11665 are the first step in that direction.

We believe the new formula will tend to encourage wider and more equitable participation whereas the old formula tended to discourage States from adding new schools to the programs.

The many depressed economic areas throughout the Nation have been the subject of much congressional study and many efforts are being made to alleviate the situation and eliminate the causes of the poverty which exists there.

We favor the widest possible use of the school lunch program to see that the diet of the children in all economically poor areas are kept at a high level.

We believe it is necessary that the Secretary of Agriculture and the States administer this new special-assistance feature of the school lunch program in the same manner that has proved so successful during the past 15 years.

Mr. Chairman, in closing, may we say we feel a real urgency in seeing to it that in this land of plenty, every schoolchild should have a good lunch and we believe that S. 2442 and H.R. 11665 will provide the means for a more adequate program.

Senator JORDAN. Thank you very much. That is a fine statement, and as Senator Young indicated, it is brief.

Senator Young, do you have a comment, sir?

Senator YOUNG of Ohio. I have no questions at all. I wish to compliment the witness on the fine statement he has made to our subcommittee. A statement like that really helps us.

Senator JORDAN. Senator Hart?

Senator HART. Senator Young has put it very well.

Thank you.

Senator JORDAN. Thank you very much, sir. We appreciate very much your appearing with that fine statement.

Senator Morse had intended to be here and file a statement, but he could not be here. He is going to submit one and it will be incorporated in the record.

I would like to announce at the time that the record will be left open for other statements to be filed at a later date.

Dr. Edgar Fuller, executive secretary of the Council of Chief State School Officers could not be here to testify this morning and he will file a statement.

Is there any other person to testify this morning?

(No response.)

Senator JORDAN. Gentlemen, I believe that concludes the testimony this morning. I appreciate your being here and we will act on the bill as soon as we can arrange it.

(Whereupon, at 11:25 a.m., the subcommittee adjourned, subject to the call of the Chair.)

(Statements filed for the record are as follows:)

STATEMENT FILED BY HON. WAYNE MORSE, A U.S. SENATOR FROM THE
STATE OF OREGON

Mr. Chairman and members of the committee, I come before you to urge that favorable consideration be given H.R. 11665 and S. 2442. I have received word from school authorities all over my State, including the Ashland public schools, the Portland public schools, the Parkrose public schools, the Bandon public schools, my own home town of Eugene, Oreg., the Milton-Freewater public school system, the Redmond, Oreg., public school system, and the Crook County School District, all of which supported the reallocation provided for in legislation.

Nor has this support from my State been confined to public school officials. Many citizens from all parts of my State, as individuals and as members of farm organizations have likewise strongly urged passage of this legislation.

Senator Dwight Hopkins of the Oregon State Legislature from Imbler, Oreg., for example, has urged that favorable consideration be given to this important change in our school lunch program.

No opposition to the bills has been received by my office. In view of this unanimity of support, it is my hope that the committee will report a measure favorably.

WASHINGTON, D.C., June 18, 1962.

HON. EVERETT B. JORDAN,
*Chairman, Subcommittee on Agricultural Research and General Education,
Senate Committee on Agriculture and Forestry, Washington, D.C.*

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE: It is a great pleasure for me to support H.R. 11665 on behalf of the Council of Chief State School Officers. The members of the council are the State superintendents and State commissioners of education of the 50 States and the chief school officers of Puerto Rico, Virgin Islands, Canal Zone, Guam, and American Samoa. They are the legal officers of the States and territories for public elementary and secondary education and will be responsible for State-level administration of this legislation.

The council has been a major proponent of this legislation since its inception. Its purposes are within the general policies of the council, which has passed specific resolutions during recent years in favor of supporting the National School Lunch Act reforms provided in the House approved H.R. 11665. In this activity, much of the work has been done by the directors of the State school lunch programs in the respective State departments of education. The development of the legislation has also been in close cooperation with the American School Food Service Association, the National Congress of Parents and Teachers, the American Parents Committee and other groups interested in this excellent program.

It is our understanding that this legislation, in its present form, is as nearly noncontroversial as legislation is likely to be. We have no doubt of its necessity or about its beneficial operation either in regard to the school children who will be served or in regard to agricultural communities that will supply the foods required. There is an especial need for the bill at the present time in those areas of the country where technological change and economic difficulties threaten to deprive many children of the nourishment necessary for effective study.

We therefore appreciate the opportunity to support this legislation. We hope it will be passed promptly by the Senate without complications that could delay its final enactment into law, and that the new provisions will be implemented with the additional funds required effective July 1, 1962. I am attaching for inclusion in the record a copy of the resolutions passed without dissenting vote by the Council of Chief State School Officers at its annual business meetings in recent years.

Sincerely,

EDGAR FULLER,
Executive Secretary, Council of Chief State School Officers.

RESOLUTIONS, COUNCIL OF CHIEF STATE SCHOOL OFFICERS CONCERNING DEVELOPMENT OF THE SCHOOL LUNCH LEGISLATION AS PASSED BY THE HOUSE OF REPRESENTATIVES ON JUNE 6, 1962

ADOPTED AT BOSTON, MASS., NOVEMBER 13, 1959

Improvement of school lunch finance and administration

The council commends the U.S. Department of Agriculture for its arrangements with representatives of the States for discussions of the Federal-State administration of the national school lunch program and possible amendments to the laws under which it operates. We are gratified that a study group composed of State directors of school lunch programs and the executive secretary of the council have been invited to cooperate with the Department of Agriculture in developing suggestions for legislative and administrative improvements. The council urges that the recommendations of the study group be presented to the national school lunch advisers group for discussion as soon as feasible, and that the Department of Agriculture and the administration consider a program of statutory revision to be presented to the Congress in 1960.

Changes in Federal reimbursements

The council favors revision of the National School Lunch Act so that the Federal cash reimbursement for type A lunches shall hereafter be identical for public and nonpublic schools in each State. It also believes that Federal funds should be distributed on a revised formula that takes into account pupil participation in the lunch program in relation to total enrollment in each State.

The council urges that cash reimbursements under the National School Lunch Act be adjusted to provide payments of not less than 5 cents for each type A meal, graduated upward to a maximum of 9 cents for each type A meal in States with low per capita incomes. These reimbursements are necessary to maintain and improve the national school lunch program under modern conditions, and to meet Federal nutritional standards and free meal requirements under the law.

Federal funds for State administration

The council requests that the Department of Agriculture give consideration to the possibility of providing funds to State departments of education on a matching basis for school lunch administrative purposes. These funds would enable many States to assume additional responsibilities in the field of auditing and the making of administrative reviews of local lunch programs, and would thus expedite further implementation of the council's agreement of 1947 with the Department of Agriculture which called for a gradual increase in State responsibility for effective local administration of the national school lunch program.

ADOPTED IN SANTA FE, N. MEX., NOVEMBER 18, 1960

Amendments to National School Lunch Act

The council commends the Subcommittee on General Education of the U.S. House of Representatives for the introduction of legislation to improve the National School Lunch Act and for the hearings on this legislation in August, 1960. It reaffirms its support of legislation in accord with the principles of H.R. 13016 of 1960 and calls for enactment of similar legislation by the 87th Congress, together with authorization of appropriations adequate to place the program in full effect beginning July 1, 1961.

ADOPTED IN BALTIMORE, MD., NOVEMBER 10, 1961

Federal financing of current and future programs

The council calls on Congress and the administration to provide adequate funds to the States for current programs in education and related fields, including transfer funds for the purchase of agricultural commodities for school lunch programs, school milk programs, vocational education, vocational rehabilitation and assistance for construction, maintenance and operation of the public schools in federally impacted areas.

The council favors Federal funds for State administration of all Federal aid programs for education.

Amendments to National School Lunch Act

The council commends its executive secretary for his outstanding contribution in securing consideration of certain changes in the National School Lunch Act. It reaffirms its support of legislation in accord with the principles of H.R. 13016 of 1960 and calls for enactment of similar legislation by the Congress, together with authorization of appropriations adequate to place the program in full effect beginning July 1, 1962.

SALT LAKE CITY, UTAH, June 1, 1962.

HON. FRANK E. MOSS,
U.S. Senate, Washington, D.C.

DEAR SENATOR MOSS: Thank you very much for your letter of May 25, also the report and copy of H.R. 11665.

As to Utah, this is very significant legislation. As you know, we have a tendency to do things in a big way in Utah, and because the money is at present allocated on the basis of enrollment, and our participation is very high, we receive much less per meal than a good many States. Depending on the total amount appropriated this will be a great help to us. Some States, as you probably realize, will lose, and that is the reason for the proposed transition period wherein the Department is recommending for the first year, one-half of the appropriation be apportioned on the old formula and the other half on the new formula, and the second year the total appropriation will be apportioned on the new formula basis. This will give the States which now receive a large amount per meal because of few meals an opportunity to adjust to the new formula. I understand the President has suggested that during this transition period, and to assist the States which will naturally lose some money per meal, that \$20 million be added to the present appropriation. Roughly speaking, under the present program we receive approximately \$604,000, or 3.8 cents per meal. Under the proposal, if \$128.6 million were distributed we would receive \$848,000 or 5.3 cents per meal.

During the transition period at \$128.6 million total appropriation we would receive \$818,000 or 5.1 cents per meal, but later when the transition is completed we would receive \$922,000 or 5.8 cents per meal.

These figures are tentative but in general describe the situation and, as you can see, we would benefit a great deal from this change in the law which we believe is a step in the right direction.

I appreciate greatly your inquiry, and if at any time I can furnish information which will help you in your important work please feel free to call upon me.

Again may I say I have always appreciated the communications from your office.

Sincerely yours,

RODNEY A. ASHBY,
*State Director School Lunch Program,
Department of Public Instruction, State of Utah.*

IN THE SENATE OF THE UNITED STATES

AUGUST 18, 1961

MR. LONG of Hawaii (for himself and Mr. BURDICK) introduced the following bill; which was read twice and referred to the Committee on Agriculture and Forestry

A BILL

To revise the formula for apportioning cash assistance funds among the States under the National School Lunch Act, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the National School Lunch Act of 1946, as amended,
4 is amended by revising section 3 to read as follows:
5 “(a) For each fiscal year there is hereby authorized to
6 be appropriated, out of money in the Treasury not other-
7 wise appropriated, such sums as may be necessary to enable
8 the Secretary of Agriculture (hereinafter referred to as ‘the
9 Secretary’) to carry out the provisions of this Act other
10 than section 11.

1 “(b) For each fiscal year there is hereby authorized to
2 be appropriated in addition to the sums authorized in sub-
3 section (a) above, out of money in the Treasury not other-
4 wise appropriated, such sums as may be necessary to enable
5 the Secretary to carry out the provisions of section 11 of this
6 Act.”

7 SEC. 2. Section 4 of the Act is revised to read as follows:
8 “The sums appropriated for any fiscal year pursuant to the
9 authorization contained in section 3 (a) of this Act, exclud-
10 ing the sum specified in section 5, shall be available to the
11 Secretary for supplying agricultural commodities and other
12 foods for the program in accordance with the provisions of
13 this Act. The Secretary shall apportion among the States
14 during each fiscal year not less than 75 per centum of the
15 funds made available for such year for supplying agricultural
16 commodities and other foods under the provisions of section
17 3 (a) of this Act. Apportionment among the States shall
18 be made on the basis of two factors: (1) the participation
19 rate for the State, and (2) the assistance need rate for the
20 State. The amount of apportionment to any State shall be
21 determined by the following method: First, determine an
22 index for the State by multiplying factors (1) and (2);
23 second, divide this index by the sum of the indexes for all
24 the States; and third, apply the figure thus obtained to the
25 total funds to be apportioned. If any State cannot utilize

1 all funds so apportioned to it, or if additional funds are made
2 available under section 3 (a) for apportionment among the
3 States, the Secretary shall make further apportionments to
4 the remaining States in the same manner. Notwithstanding
5 the foregoing provisions of this section, for the fiscal year
6 ending June 30, 1962, one-half of the funds available for
7 apportionment among the States shall be apportioned on the
8 basis of the factors used prior to such fiscal year, and one-
9 half of such funds, and any funds available for further ap-
10 portionments, shall be apportioned in accordance with the
11 foregoing provisions.”

12 SEC. 3. Section 5 of the Act is amended by striking out
13 the last sentence thereof.

14 SEC. 4. Section 10 of the Act is amended by striking out
15 “number of children between the ages of five and seventeen,
16 inclusive, attending nonprofit private schools within the
17 State is of the total number of persons of those ages within
18 the State attending school” and inserting in lieu thereof the
19 following: “participation rate for all nonprofit private
20 schools within the State is of the participation rate for the
21 State”.

22 SEC. 5. Section 11 of the Act is redesignated as section
23 12 and subsection (d) thereof is amended to read as follows:
24 “For the purposes of this Act—

25 “(1) ‘State’ means any of the fifty States, the Dis-

1 trict of Columbia, the Commonwealth of Puerto Rico,
2 the Virgin Islands, Guam, and American Samoa.

3 “(2) ‘State educational agency’ means, as the State
4 legislature may determine, (a) the chief State school
5 officer (such as the State superintendent of public in-
6 struction, commissioner of education, or similar officer),
7 or (b) a board of education controlling the State de-
8 partment of education.

9 “(3) ‘Nonprofit private school’ means any private
10 school exempt from income tax under section 101(6)
11 of the Internal Revenue Code, as amended.

12 “(4) ‘Nonfood assistance’ means equipment used
13 by schools in storing, preparing, or serving food for
14 schoolchildren.

15 “(5) ‘Participation rate’ means the number of
16 lunches, meeting the minimum requirements of the type
17 of lunch for which the maximum rate of reimbursement
18 is authorized by the Secretary, served by participating
19 schools in each State in the preceding fiscal year, as de-
20 termined by the Secretary.

21 “(6) ‘Assistance need rate’ means that rate de-
22 termined by assigning a value of five to each of the
23 States and by increasing the value of five for each State
24 having an annual per capita income less than the average
25 annual per capita income of all the States by the ratio

1 that the average annual per capita income of all the
2 States bears to the per capita income of said State, up
3 to a maximum value of nine. The per capita income
4 figures shall be the average of those certified by the De-
5 partment of Commerce for the latest three years for
6 which such figures are available.

7 “(7) ‘School’ means any public or nonprofit private
8 school of high school grade or under and, with respect
9 to Puerto Rico, shall also include nonprofit child-care
10 centers certified as such by the Governor of Puerto
11 Rico.”

12 SEC. 6. The following language is inserted after sec-
13 tion 10 of the Act:

14 “SPECIAL ASSISTANCE

15 “SEC. 11. The sums appropriated pursuant to section
16 3 (b) of this Act shall be used by the Secretary, under such
17 terms and conditions as he deems to be in the public interest,
18 to provide special assistance to needy schools for the purpose
19 of helping them to meet the requirements established in this
20 Act concerning the service of lunches to children unable to
21 pay the full cost of the lunch.”

22 SEC. 7. These amendments shall become effective July
23 1, 1961.

A BILL

To revise the formula for apportioning cash assistance funds among the States under the National School Lunch Act, and for other purposes.

By Mr. LONG of Hawaii and Mr. BURDICK

AUGUST 18, 1961

Read twice and referred to the Committee on
Agriculture and Forestry

awarding defense contracts, and urging local industries to compete for such contracts. I ask unanimous consent that the resolution be printed in full in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION REQUESTING FULL CONSIDERATION FOR MILWAUKEE INDUSTRIES IN THE AWARDING OF NATIONAL DEFENSE CONTRACTS AND URGING LOCAL INDUSTRIES TO COMPETE FOR SUCH CONTRACTS

Whereas the Department of Defense spends approximately \$14 billion each year for the procurement of supplies and equipment from private corporations; and

Whereas many industries within the city of Milwaukee either do produce or are capable of producing the types of supplies and equipment which are purchased regularly by the Department of Defense; and

Whereas these same Milwaukee industries have, however, received a disproportionately small share of the contracts awarded by the Department of Defense; and

Whereas a more equitable allotment of defense contracts to industries located in Milwaukee would assure the Department of Defense of receiving top quality materials at fair competitive prices, enhance the local economy by stimulating full production and employment, and reimburse said local industries to some extent for the substantial tax revenues which they now pay to the Federal Government: Therefore be it

Resolved by the Common Council of the City of Milwaukee, That it hereby requests the Department of Defense to give greater consideration to industries located within Milwaukee in taking competitive bids and in negotiating contracts for supplies and equipment; and be it further

Resolved, That the common council hereby advises and urges Milwaukee industries to participate more actively in the procurement programs of the Department of Defense to the end that they may receive a greater proportion of the contracts awarded by that agency; and be it further

Resolved, That a certified copy of this resolution be forwarded by the city clerk to Senators WILEY and PROXMIRE and to Congressmen REUSS and ZABLOCKI.

Attest:

STANLEY J. WITKOWSKI,
City Clerk.

LEASE AND TRANSFER OF TOBACCO ACREAGE ALLOTMENTS—INDIVIDUAL VIEWS—REPORT OF A COMMITTEE (S. REPT. NO. 762)

Mr. HOLLAND. Mr. President, from the Committee on Agriculture and Forestry, I report favorably with amendments, the bill (H.R. 1022) to amend the Agricultural Adjustment Act of 1938 to provide for lease and transfer of tobacco acreage allotments, and I submit a report thereon. I ask unanimous consent that the report be printed, together with the individual views of the Senator from Kentucky [Mr. COOPER].

The ACTING PRESIDENT pro tempore. The report will be received and the bill will be placed on the calendar; and, without objection, the report will be printed, as requested by the Senator from Florida.

EXECUTIVE REPORTS OF A COMMITTEE

As in executive session,
The following favorable reports of nominations were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary:

Arthur M. Davis, of Arizona, to be U.S. district judge for the district of Arizona; and

Rex B. Hawks, of Oklahoma, to be U.S. marshal for the western district of Oklahoma.

By Mr. KEFAUVER, from the Committee on the Judiciary:

Bailey Brown, of Tennessee, to be U.S. district judge for the western district of Tennessee.

By Mr. ERVIN, from the Committee on the Judiciary:

John D. Larkins, Jr., of North Carolina, to be U.S. district judge for the eastern district of North Carolina.

By Mr. CARROLL, from the Committee on the Judiciary:

William H. Terrill, of Colorado, to be U.S. marshal for the district of Colorado.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. LAUSCHE:

S. 2435. A bill for the relief of Vittoria C. Cenderelli (nee Cesternino), to the Committee on the Judiciary.

By Mr. MANSFIELD:

S. 2436. A bill to transfer certain land in the District of Columbia to the Secretary of the Interior for administration as a part of the National Capital Parks System, and for other purposes; to the Committee on the District of Columbia.

By Mr. LONG of Hawaii (for himself, Mrs. NEUBERGER, and Mr. KEATING):

S. 2437. A bill to amend section 6 of the act entitled "An act to amend the Immigration and Nationality Act, and for other purposes," approved September 11, 1957 (71 Stat. 640); to the Committee on the Judiciary.

(See the remarks of Mr. LONG of Hawaii when he introduced the above bill, which appear under a separate heading.)

By Mr. BOGGS:

S. 2438. A bill to amend section 5899 of title 10, United States Code, to provide permanent authority under which Naval Reserve officers in the grade of captain shall be eligible for consideration for promotion when their running mates are eligible for consideration for promotion; to the Committee on Armed Services.

By Mr. LONG of Louisiana (for himself and Mr. ELLENDER):

S. 2439. A bill authorizing construction of certain flood control improvements on the Red River in Natchitoches and Red River Parishes, La.; to the Committee on Public Works.

By Mr. LONG of Hawaii (for himself and Mr. GRUENING):

S. 2440. A bill to extend the application of certain laws to American Samoa; to the Committee on Interior and Insular Affairs.

By Mr. MOSS:

S. 2441. A bill for the relief of Ginseppe Stracquadanio; to the Committee on the Judiciary.

By Mr. LONG of Hawaii (for himself and Mr. BURDICK):

S. 2442. A bill to revise the formula for apportioning cash assistance funds among

the States under the National School Lunch Act, and for other purposes; to the Committee on Agriculture and Forestry.

(See the remarks of Mr. LONG of Hawaii when he introduced the above bill, which appear under a separate heading.)

By Mr. CHURCH (for himself, Mr. CARLSON, Mr. KEFAUVER, and Mr. SMATHERS):

S. 2443. A bill to designate the stadium authorized to be constructed by the District of Columbia Stadium Act of 1957, as amended, as "Walter Johnson Stadium"; to the Committee on the District of Columbia.

(See the remarks of Mr. CHURCH when he introduced the above bill, which appear under a separate heading.)

CONCURRENT RESOLUTION

EXPRESSION OF SENSE OF CONGRESS AS TO CREATION OF A HOUSING AND URBAN DEVELOPMENT UNIT AS A SPECIALIZED AGENCY OF THE UNITED NATIONS

Mr. SPARKMAN submitted a concurrent resolution (S. Con. Res. 38) to express the sense of Congress as to the creation of a Housing and Urban Development Unit as a specialized agency of the United Nations, which was referred to the Committee on Foreign Relations.

(See the above concurrent resolution printed in full when submitted by Mr. SPARKMAN, which appears under a separate heading.)

AMENDMENT OF SECTION 6 OF THE IMMIGRATION AND NATIONALITY ACT

Mr. LONG of Hawaii. Mr. President, I introduce, for appropriate reference, a bill which would simply extend until June 30, 1963, the provision of section 6, act of September 11, 1957, as amended, which recently expired on June 30, 1961. I am pleased that my distinguished colleagues, the Senator from Oregon [Mrs. NEUBERGER], and the Senator from New York [Mr. KEATING], both of whom have been keenly alert to our Nation's need for consistent, equitable, and humane immigration laws, have joined me in sponsoring the proposed extension.

This bill would permit for another 2 years the admission of tubercular aliens, otherwise qualified for admission, who are the spouses, children, or parents of U.S. citizens, or of aliens who have been lawfully admitted for permanent residence or who have been issued immigrant visas. All of the safeguards that the Attorney General had originally been authorized to prescribe would be retained.

From the initial approval of the tuberculosis waiver on September 11, 1957, until May 31, 1961, a total of 3,677 persons have been admitted, each of whom would otherwise have been unable to join his or her immediate family in the United States.

Mr. President, I ask unanimous consent to insert in the CONGRESSIONAL RECORD at this point in my remarks a table compiled by the Immigration and Naturalization Service which presents a breakdown of these 3,677 immigrants according to relationship.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Tubercular aliens admitted to the United States as immigrants under waiver authorized by sec. 6, act of Sept. 11, 1957—Sept. 11, 1957 to May 31, 1961

Type of relationship:	Number of immigrants
Spouse of U.S. citizen.....	1,713
Child of U.S. citizen.....	158
Parent of U.S. citizen.....	324
Spouse of resident alien.....	489
Child of resident alien.....	114
Parent of resident alien.....	221
Spouse accompanying immigrant to United States.....	484
Child accompanying immigrant to United States.....	116
Parent accompanying immigrant to United States.....	58
Total.....	3,677

Mr. LONG of Hawaii. Mr. President, as a few simple calculations will show, 2,686 of the 3,677 total are spouses who have been permitted to join their husbands and wives, and thereby to maintain a normal married existence.

As a cosponsor of S. 1809, I have already expressed my support for the permanent integration of the tuberculosis waiver provision into the Immigration and Nationality Act of 1952, as amended. Because more time is apparently required before a thoroughly deliberated revision of the immigration act will be forthcoming, I believe we should act now to insure that the family unity preserved by the tuberculosis waiver provision should not end, but be continued.

Since the proposed extension would authorize the admission of immigrants who are limited in number, but who are so very important to the welfare and happiness of their immediate relatives; and since adequate safeguards have been prescribed over the past 4 years to insure that they will be properly treated and will not become public charges; I respectfully request the Senate's favorable consideration of this bill.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 2437) to amend section 6 of the act entitled "An act to amend the Immigration and Nationality Act, and for other purposes," approved September 11, 1957 (71 Stat. 640), introduced by Mr. LONG of Hawaii (for himself and other Senators), was received, read twice by its title, and referred to the Committee on the Judiciary.

Mr. KEATING. Mr. President, I am pleased to join as a cosponsor of this legislation to extend the tuberculosis waiver provisions of the Immigration and Nationality Act for a 2-year period.

As the distinguished Senator from Hawaii has indicated, adequate safeguards have been provided in the administration of this law to insure proper health standards. The purpose of this legislation is to aid in uniting families

who would otherwise be excluded under the provisions of the present law. The number of parents, spouses, and children eligible for admission to the United States under this program is not large. However, the joy that will be brought to the hearts of separated families will be immeasurable.

REVISION OF FORMULA FOR APPORTIONING CASH ASSISTANCE UNDER NATIONAL SCHOOL LUNCH ACT

Mr. LONG of Hawaii. Mr. President, on behalf of myself and the junior Senator from North Dakota [Mr. BURDICK], I introduce, for appropriate reference, a bill as a substitute to S. 347, which I introduced January 11, and to S. 1469, which Senator BURDICK introduced on March 29. At that time I pointed out the inequities of the present school lunch aid formula caused by distribution of Federal funds to States on the basis of the number of children of school age. S. 347 would change the formula so that actual, rather than potential, participation in the program would be the primary basis for distribution of funds, and the bill we introduce today would also accomplish this desirable end.

The principal reason for introducing a new bill is that the administration, in reviewing S. 347, suggested some changes that would, in my view, strengthen the measure. In addition, the Congress has now appropriated additional funds for the school lunch program under Public Law 87-112. These additional moneys will make the formula of this bill eminently workable, in that the new, more equitable allocation can be made while at the same time insuring that Federal participation will be in significant amounts in all States.

The Department of Agriculture has drafted this new bill, with which I fully concur, and which reflects the administration's recommendations as submitted by President Kennedy in his agricultural message to the Congress. I feel its enactment will go far toward full achievement of desirable nutritional goals for our children.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 2442) to revise the formula for apportioning cash assistance funds among the States under the National School Lunch Act, and for other purposes, introduced by Mr. LONG of Hawaii (for himself and Mr. BURDICK), was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

Mr. BURDICK. Mr. President, the purpose of the bill which the Senator from Hawaii [Mr. LONG] and I offer is to increase the effectiveness of the national school lunch program in areas in which it is most needed. This can be accomplished by a revision of the formula used for apportionment of funds, which is outlined in the body of the bill.

The formula now in effect has led to discrepancies among the States that violate the intended purposes of the Na-

tional School Lunch Act. Cash assistance ranges all the way from a minimum of less than 2 cents to a maximum of 9 cents in different States. This is because school-age population and per capita income are the factors in the formula now used with a total disregard of the number of meals served. If two States have equal school-age population and equal per capita income, they are allocated equal amounts of money. If one State serves twice as many meals as the other, it would be able to reimburse the local school districts only half as much as the other State. A State which provides school lunch services for a large percentage of its schoolchildren is penalized relatively in the distribution of funds.

Our proposed bill provides that funds shall be apportioned among the States on the basis of the number of lunches served in each State in the preceding year. The lower income States would receive relatively more per meal than average or above-average income States through applying a value of 5 to each lunch served in average or above-average States and a higher value—up to 9—in below-average income States. A State's need would still be determined by equating its per capita income with that of the per capita national income. Also, a 1-year transition period is provided. During that year, one-half of the funds made available for apportionment would be apportioned under the formula now in effect and one-half under the new formula proposed in this bill. The division of funds between public and nonprofit private schools within a State would be based upon the relative number of lunches served in each class of school in the preceding year.

A new section would be added to the National School Lunch Act which would provide for an additional appropriation of funds to provide special help to especially needy schools. Considerable administrative flexibility is provided to the Department in developing the new program. However, the percentage of free meals served to needy children would be one of the principal criteria for selecting the schools to receive such assistance.

I do not feel it is necessary here to argue the merits of the school lunch program, for the program has already received the sanction of this body. Also, I would like to point out that since the appropriation has already been made for the program, no increase in cost to the Federal Government is involved. Our bill is designed simply to see that fair and equitable use of available funds is made—that those States which have the greatest need will receive a portion of the funds responsive to their needs.

I earnestly commend your favorable consideration of this legislation.

DESIGNATION OF DISTRICT OF COLUMBIA STADIUM AS THE "WALTER JOHNSON STADIUM"

Mr. CHURCH. Mr. President, on behalf of myself, the junior Senator from Kansas [Mr. CARLSON], the senior Senator from Tennessee [Mr. KEFAUVER], and the junior Senator from Florida [Mr.

87TH CONGRESS
1ST SESSION

H. R. 8962

IN THE HOUSE OF REPRESENTATIVES

AUGUST 29, 1961

Mr. O'HARA of Michigan introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To revise the formula for apportioning cash assistance funds among the States under the National School Lunch Act, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the National School Lunch Act of 1946, as amended,
4 is amended by revising section 3 to read as follows:

5 “(a) For each fiscal year there is hereby authorized to
6 be appropriated, out of money in the Treasury not other-
7 wise appropriated, such sums as may be necessary to enable
8 the Secretary of Agriculture (hereinafter referred to as ‘the
9 Secretary’) to carry out the provisions of this Act other
10 than section 11.

1 trict of Columbia, the Commonwealth of Puerto Rico,
2 the Virgin Islands, and Guam.

3 “(2) ‘State educational agency’ means, as the State
4 legislature may determine, (a) the chief State school
5 officer (such as the State superintendent of public
6 instruction, commissioner of education, or similar offi-
7 cer), or (b) a board of education controlling the State
8 department of education.

9 “(3) ‘Nonprofit private school’ means any private
10 school exempt from income tax under section 101 (6)
11 of the Internal Revenue Code, as amended.

12 “(4) ‘Nonfood assistance’ means equipment used
13 by schools in storing, preparing, or serving food for
14 school children.

15 “(5) ‘Participation rate’ means the number of
16 lunches, meeting the minimum requirements of the type
17 of lunch for which the maximum rate of reimbursement
18 is authorized by the Secretary, served by participating
19 schools in each State in the preceding fiscal year, as
20 determined by the Secretary.

21 “(6) ‘Assistance need rate’ means that rate deter-
22 mined by assigning a value of five to each of the States
23 and by increasing the value of five for each State hav-
24 ing an annual per capita income less than the average
25 annual per capita income of all the States by the ratio

1 that the average annual per capita income of all the
2 States bears to the per capita income of said State, up to
3 a maximum value of nine. The per capita income fig-
4 ures shall be the average of those certified by the De-
5 partment of Commerce for the latest three years for
6 which such figures are available.

7 “(7) ‘School’ means any public or nonprofit pri-
8 vate school of high school grade or under and, with re-
9 spect to Puerto Rico, shall also include nonprofit child-
10 care centers certified as such by the Governor of Puerto
11 Rico.”

12 SEC. 6. The following language is inserted after section
13 10 of the Act:

14 “SPECIAL ASSISTANCE

15 “SEC. 11. The sums appropriated pursuant to section
16 3 (b) of this Act shall be used by the Secretary, under such
17 terms and conditions as he deems to be in the public interest,
18 to provide special assistance to needy schools for the pur-
19 pose of helping them to meet the requirements established
20 in this Act concerning the service of lunches to children un-
21 able to pay the full cost of the lunch.”

22 SEC. 7. These amendments shall become effective
23 July 1, 1961.

A BILL

To revise the formula for apportioning cash assistance funds among the States under the National School Lunch Act, and for other purposes.

By Mr. O'HARA of Michigan

AUGUST 29, 1961

Referred to the Committee on Education and Labor

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For information only;
should not be quoted
or cited)

Issued February 7, 1962
For actions of February 6, 1962
87th-2d, No. 18

CONTENTS

Alaska.....	19	Housing.....	8,12,15	Poultry loans.....	2
Assistant Secretaries....	11	Inspection.....	14	Reclamation.....	23
Budget.....	18	Land development.....	19	Research.....	6
Education.....	1,10	Lands.....	20	School lunch.....	9
Farm labor.....	1,17	Legislative program.....	8	Taxation.....	22
Farm program.....	14	Loans.....	2	Tobacco.....	16
Fish flour.....	7	Migrant workers.....	1	Urban affairs.....	8,12,15
Foreign aid.....	13	Milk.....	3	Wildlife.....	20
Foreign trade.....	5,16	Personnel.....	21	Wool.....	4

HIGHLIGHTS: House subcommittee voted to report bill to revise school lunch fund apportionment formula. Both Houses received the President's education message. Sen. Williams, Del., criticized loans to poultry producers.

SENATE

1. EDUCATION. Both Houses received the President's message on education (H. Doc. 330). The President recommended authorization of a 5-year Federal-State program to aid States and school districts in improving the educational opportunities of migrant workers and their children, authorization of a 5-year program of grants to institutions of higher learning and to the States to combat adult illiteracy, and additional graduate fellowships in science, mathematics and engineering. pp. 1543-6, 1604-7
By a vote of 68 to 17, passed with amendments H. R. 8900, to authorize Federal assistance to institutions of higher education in financing the construction and improvement of educational facilities. A similar bill, S. 1241, was indefinitely postponed. Conferees were appointed. pp. 1607-8, 1615-26, 1632-57, 1658-61
2. POULTRY LOANS. Sen. Williams, Del., criticized Federal loans "to finance the construction of new poultry houses and to finance the production of broilers, layers, and turkeys, especially at a time when those agriculture products were in oversupply," stated that loans were made by six different Federal agencies and

the rate of loans had more than doubled in the past 12 months, and inserted several tables on the amount of loans made. pp. 1626-32

3. MILK. Sen. Wiley urged the increased consumption of milk and the establishment of a laboratory to conduct research on utilization of constituent parts of milk for the manufacture of industrial products as a means of reducing the surplus. p. 1599
4. WOOL. Sen. McGee commended the establishment of a wool processing plant in Laramie, Wyo., to process and clean wool before it is shipped to eastern markets and inserted an article discussing operations of the plant. pp. 1584-5
5. FOREIGN TRADE. Sen. Bush expressed concern over the possible effects of the new foreign trade proposal on trade with Japan and urged that any foreign trade agreement with the European Common Market "take into account the economic needs of Japan." pp. 1585-6
6. RESEARCH. Sen. Curtis inserted an article from the Oil Daily critical of the proposal to "stimulate legislation" for research on utilization of farm products to make alcohol which could be blended into gasoline as a motor fuel. pp. 1590-1
7. FISH FLOUR. Sen. Douglas criticized the Food and Drug Administration for disapproving the sale of fish flour in the continental United States. pp. 1664-5
8. LEGISLATIVE PROGRAM. Sen. Mansfield announced that the calendar will be called Wed., Feb. 7, and that debate will begin Mon., Feb. 19, on the President's reorganization plan to establish a Department of Urban Affairs and Housing. p. 1580

HOUSE

9. SCHOOL LUNCH PROGRAM. The General Subcommittee on Education of the Education and Labor Committee voted to report to the full committee with amendments H. R. 8962, to revise the formula for apportioning cash assistance funds among the States under the National School Lunch Act. p. D69
10. EDUCATION. Received from HEW a proposed bill "To assist in providing necessary instruction for adults unable to read and write English or with less than a sixth-grade level of education, through grants to institutions of higher learning for development of materials and methods of instruction and for training of teaching and supervisory personnel and through grants to States for pilot projects, improvement of State services, and programs of instruction"; to Education and Labor Committee. p. 1577
Received from HEW a proposed bill "To improve the quality of elementary and secondary education"; to Education and Labor Committee. p. 1578
11. ASSISTANT SECRETARIES. Passed without amendment S. 1456, to authorize an additional Assistant Secretary of Commerce. This bill will now be sent to the President (p. 1556). Earlier, by a vote of 231 to 169, passed a similar bill, H. R. 6360, which was laid on the table (pp. 1547-56).
12. HOUSING. Rep. Vanik spoke in favor of the proposed Department of Urban Affairs and Housing saying, "there should be no fear that the new Department of Urban Affairs and Housing will be attempting to usurp the functions of our local governments." pp. 1573-4

President's Message—Education: Received and read a message from the President requesting enactment of legislation to provide and coordinate Federal aid to education programs. The message was referred to the Committee on Education and Labor and ordered printed as a House document (H. Doc. 330).

Pages 1543–1546

Private Calendar: Passed the following bills on the call of the Private Calendar:

Cleared for the President: S. 631 and 651.

Sent to the Senate, amended: H.R. 8780 and 8781.

Sent to the Senate without amendment: H.R. 8947.

Passed over without prejudice: S. 316, 1934, H.R. 1288, 1352, 7431, and 9059.

Pages 1546–1547

Commerce Department: By a record vote of 231 yeas to 169 nays the House passed H.R. 6360, to authorize an additional Assistant Secretary of Commerce. This passage was subsequently vacated and S. 1456, a similar bill, was passed in lieu after being amended to contain the House-passed language.

H. Res. 425, the rule under which the legislation was considered, had been adopted earlier by a voice vote.

Pages 1547–1556

Committee Elections: Adopted H. Res. 539, electing Representatives Purcell and Roberts of Texas to membership on the Committee on Agriculture and the Committee on Veterans' Affairs, respectively.

Page 1556

Commission Appointments: The Speaker announced the appointment of Representatives Gallagher and Wallhauser to membership on the Woodrow Wilson Memorial Commission.

Page 1556

Welfare and Pension Plans Disclosure: The House, by a voice vote, adopted H. Res. 538, the open rule providing for the consideration of and 2 hours of debate on H.R. 8723, to amend the Welfare and Pension Plans Disclosure Act with respect to the method of enforcement and to provide certain additional sanctions. After consuming all time allotted for debate and reading the first section of the bill for amendment the House deferred further action on the legislation to Wednesday.

Pages 1556–1572

Washington's Farewell Address: The Speaker today designated Representative Roush to read George Washington's Farewell Address to the House on February 22.

Page 1572

Record Vote: During the proceedings of the House today one record vote developed and it appears on pages 1555–1556.

Program for Wednesday: Adjourned at 4:36 p.m. until Wednesday, February 7, at 12 o'clock noon when the House will further consider H.R. 8723, to amend the Welfare and Pension Plans Disclosure Act with respect to the method of enforcement and to provide

additional sanctions. H.R. 8617, to authorize the payment of the balance of awards for war damage compensation made by the Philippine War Damage Commission under the terms of the Philippine Rehabilitation Act of 1946 and to authorize the appropriation of \$73 million for that purpose (1 hour of debate).

Committee Meetings

SUPPORT PRICES FOR MILK—BUTTERFAT

Committee on Agriculture: Held a hearing on H.J. Res. 613 and 614, to continue for an additional 9 months the current support prices for milk and butterfat. Heard testimony from Senator Proxmire; National Farmers Union; Pure Milk Products Cooperative; Farm Bureau; and Department of Agriculture officials.

MILITARY POSTURE—PROCUREMENT

Committee on Armed Services: Continued briefings on military posture of the United States and H.R. 9751, to authorize procurement of aircraft, missiles, and naval vessels. Testimony was given by Lt. Gen. Arthur G. Trudeau, Chief of Research and Development, U.S. Army; and W. S. Hinmin, Deputy Assistant Secretary of Army for Research and Development. Adjourned briefings until Thursday, February 8.

ECONOMIC PROBLEMS—PERFORMING ARTISTS

Committee on Education and Labor: Select Subcommittee on Education heard testimony from various public witnesses regarding the economic problems of performing artists. Adjourned subject to call of the Chair.

NATIONAL SCHOOL LUNCH ACT

Committee on Education and Labor: General Subcommittee on Education met in executive session and ordered reported favorably to the full committee H.R. 8962 (amended), to revise the formula for apportioning cash assistance funds among the States under the National School Lunch Act.

FOREIGN SERVICE BUILDINGS ACT

Committee on Foreign Affairs: Subcommittee on State Department Organization and Foreign Operations heard further testimony, in executive session, on the Foreign Service Buildings Act from William J. Crockett, Assistant Secretary of State for Administration; and James R. Johnstone, Deputy Assistant Secretary of State for Foreign Buildings.

DEPARTMENT OF URBAN AFFAIRS—HOUSING

Committee on Government Operations: Heard testimony from David E. Bell, Director, Bureau of the Budget; and public witnesses, on Reorganization Plan No. 1 of 1962, to create a Department of Urban Affairs and Housing. Hearings continue Wednesday, February 7.

Committee on Interstate and Foreign Commerce: Subcommittee on Health and Safety heard testimony from Dr. Luther Terry, Surgeon General of the U.S. Public Health Service; and public witnesses, on H.R. 133, to establish a National Accident Prevention Center. Hearings continue Wednesday, February 7.

Committee on the Judiciary: Met in executive session and ordered reported favorably to the House the following bills:

S. 167 (amended), the Antitrust Civil Process Act;

H.R. 9300 (amended), to provide that the House of Representatives shall be composed of 439 Members beginning with the 88th Congress;

H.R. 10043, to amend Public Law 86-272, with respect to the reporting date; and

Several private claim and private immigration bills.

GOLDEN EAGLE

Committee on Merchant Marine and Fisheries: Subcommittee on Fisheries and Wildlife Conservation held a hearing on H.J. Res. 479, and related measures, to provide protection for the golden eagle. Heard testimony from Representatives Conte and Dominick; Department of Interior officials; and public witnesses.

MANPOWER UTILIZATION

Committee on Post Office and Civil Service: Subcommittee on Manpower Utilization heard testimony from Joseph M. Robertson, Administrative Assistant Secretary, Department of Agriculture, and other Agriculture Department officials, on manpower utilization in the Department of Agriculture. The subcommittee will continue hearings Wednesday, February 7.

RIGHT-OF-WAY SITUATION—MASSACHUSETTS

Committee on Public Works: Special Subcommittee on Federal-Aid Highway Program heard testimony from public witnesses regarding the right-of-way situation in Massachusetts. Hearings continue Wednesday, February 7.

COMMITTEE MEETINGS FOR WEDNESDAY, FEBRUARY 7

(All meetings are open unless otherwise designated)

Senate

Committee on Agriculture and Forestry, executive, regular meeting day, 10 a.m., 324 Old Senate Office Building.

Committee on Armed Services, Special Preparedness Subcommittee, executive, on procedural matters in connection with its current series of hearings on military cold war education activities and censorship of military speeches, 10 a.m., 1223 New Senate Office Building.

Committee on Commerce, Surface Transportation Subcommittee, on a revised version of S. 2560, to strengthen and improve the national transportation system, and on S. 2764, making civil forfeiture provisions of section 222 of the Interstate Commerce

MANPOWER RESOURCES

Committee on Rules: Met to consider granting a rule on H.R. 8399, relating to the occupational training, development, and use of the manpower resources of the Nation.

Testimony was given on the request for a rule by Representatives Powell, Holland, and Perkins.

The committee adjourned until Wednesday, February 7.

COMMITTEE WITNESSES

Committee on Rules: Committee completed hearings on H. Res. 448, to increase from \$9 to \$16 per day and from 7 cents to 12 cents per mile the pay and travel allowance of witnesses subpoenaed to appear before the House. Heard testimony from Representative Burleson.

NATIONAL SCIENCE FOUNDATION

Committee on Science and Astronautics: The committee heard a briefing by Dr. Alan T. Waterman, Director, National Science Foundation, and his staff, regarding the National Science Foundation.

VFW

Committee on Veterans' Affairs: Heard testimony from national commander in chief, Veterans of Foreign Wars, regarding the VFW's legislative objectives for this session of Congress.

Joint Committee Meetings

PRESIDENT'S ECONOMIC REPORT

Joint Economic Committee: Continuing its hearings on the President's Economic Report, committee received testimony from the following panel of economists: Prof. Theodore W. Schultz, University of Chicago; and Prof. Alvin H. Hansen and Prof. Henry C. Wallich, both of Yale University.

Hearings continue tomorrow.

Act applicable to unlawful operations of motor carriers, 10:30 a.m., 5110 New Senate Office Building.

Committee on Foreign Relations, to hear Ambassador Adlai Stevenson in connection with S. 2768, authorizing purchase of U.N. bonds, 10:30 a.m., 4221 New Senate Office Building.

Committee on Interior and Insular Affairs, Public Lands Subcommittee, on pending lands bills (S. 2521, 2537, S.J. Res. 60 and 124), 10 a.m., 3110 New Senate Office Building.

Committee on the Judiciary, executive, on committee business, 10:30 a.m., 2300 New Senate Office Building.

Subcommittee, on the nomination of Harrison L. Winter, to be U.S. district judge for the district of Maryland, and J. Robert Elliott, to be U.S. district judge for the middle district of Georgia, 10:30 a.m., 2228 New Senate Office Building.

Antitrust and Monopoly Subcommittee, on provisions of S. 1552, Drug Industry Antitrust Act, relating to advertising and promotion, 10 a.m., 1318 New Senate Office Building.

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For information only;
should not be quoted
or cited)

Issued February 23, 1962
For actions of Feb. 21 and 22, 1962
87th-2d, Nos. 25 and 26

CONTENTS

Adjournment.....	17,21	Feed grains.....	4	Personnel.....	28,33,34
Appropriations.....	36	Foreign agriculture.....	42	Poultry.....	12
Barter.....	22	Foreign trade.....	14,20,23	Power.....	40
Budgeting.....	36	Forestry.....	8,19	Property.....	7
CCC.....	39	Holiday.....	34	Public Law 480.....	22
Census.....	29	Housing.....	1	Public works.....	15,31
Centennial.....	5	Information.....	29	Recreation.....	19
Claims.....	28	Item veto.....	36	Retirement.....	28,33
Conservation.....	27	Lands.....	9	Safety.....	24
Contracts.....	30	Legislative program.....	11	School lunch.....	6
Education.....	32	Manpower.....	11,37	Soil conservation.....	13
Electrification.....	40	Marketing orders.....	12	Surplus commodities.....	39
Expenditures.....	25	Milk.....	2,3	Territories.....	10
Farm program		Minerals.....	16	Water supply.....	41
.....2,12,18,22,35,42		Monopolies.....	26	Wheat.....	38

HIGHLIGHTS: See page 6.

HOUSE - FEBRUARY 21

1. HOUSING. By a vote of 264 to 150, agreed to without amendment H. Res. 530, disapproving Reorganization Plan No. 1 of 1962 to create a Department of Urban Affairs and Housing. pp. 2403-47
2. FARM PROGRAM. Rep. Laird criticized the proposed Food and Agriculture Act of 1962, saying that it "is an interesting, if not fantastic, approach." He made specific reference to the milk provisions of the bill. p. 2463
Rep. Short criticized the Administration's farm program for wheat, saying that the bill would "provide for a complete regimentation of the wheat producer, or else." pp. 2465-6
3. MILK. Rep. Seely-Brown discussed H. J. Res. 613, to continue for an additional nine months the current support price for milk and butterfat, saying, "Stripped to its essentials, this resolution asks the Congress to shoulder the blame for untimely and unwise increases in dairy price support levels that were made by the administration in 1961." p. 2465

4. FEED GRAINS. Rep. Cooley discussed the success of the 1961 feed grains program, saying, "We may all feel the pride of accomplishment," and inserting a USDA report, "The 1961 Feed Grain Program." pp. 2467-70
5. CENTENNIAL. Rep. Cooley inserted a "review of the services and accomplishments of USDA's first century." pp. 2470-2
6. SCHOOL LUNCH PROGRAM. The Education and Labor Committee voted to report (but did not actually report) H. R. 8962, to revise the formula for apportioning cash assistance funds among the States under the National School Lunch Act. p. D103
7. PROPERTY. Received from GSA a proposed bill "To amend section 3470 of the Revised Statutes to authorize the heads of departments and independent agencies to appoint agents to bid on behalf of the United States, at sales, on execution at the suit of the United States, of lands or tenements of a debtor"; to Government Operations Committee. p. 2473
8. FORESTRY. The "Daily Digest" states that the Interior and Insular Affairs Committee "agreed to a committee resolution offering no objection to a proposed land withdrawal in Tonto National Forest, Ariz." p. D104
9. LANDS. The Interior and Insular Affairs Committee voted to report (but did not actually report) with amendments H. R. 9097, to authorize the Secretary of the Interior to sell certain public lands in Idaho. p. D104
10. TERRITORIES. The Interior and Insular Affairs Committee voted to report (but did not actually report) H. R. 10063, to provide for appointment of acting secretaries for Guam and the Virgin Islands under certain conditions. p. D104
11. LEGISLATIVE PROGRAM. Rep. Albert announced that H. R. 8399, the Manpower Development and Training Act, will be considered on Tues., Feb. 27. p. 2448

SENATE - FEB. 21

12. FARM PROGRAM. Sen. Robertson contended that "rigid price supports" have resulted in "an unmanageable surplus of certain farm products, a strict regimentation of our farmers ... and a very unsatisfactory return to our farmers as a whole," and inserted an editorial on "how the administration is now proposing in the pending farm bill to put our farm program completely under Government control." pp. 2487-8
Sen. Keating urged adoption of his proposal for the establishment of a Joint Congressional Study Commission^{on} Agriculture to study the farm program and inserted an article supporting his proposal and criticizing proposals for marketing orders for poultry. pp. 2516-7
13. SOIL CONSERVATION. Sen. Hart inserted a resolution adopted by the National Association of Soil Conservation Districts commending Secretary Freeman "for the recognition he has afforded to the soil conservation district movement during his first year in office," and the address by the Secretary before the 16th annual convention of the Association in Philadelphia on Feb. 6, 1962. pp. 2528-30
14. FOREIGN TRADE. Sen. Javits urged that an Advisory Committee on Trade Policy be included in new foreign trade legislation and inserted several articles discussing foreign trade. pp. 2490-3

House of Representatives

Chamber Action

Bills Introduced: 33 public bills, H.R. 10317-10349; 5 private bills, H.R. 10350-10354; and 8 resolutions, H.J. Res. 636-638 and H. Con. Res. 432-436, were introduced.

Pages 2474-2475

Bills Reported: Reports were filed as follows:

H.R. 10144, proposed Equal Employment Opportunity Act of 1962 (H. Rept. 1370);

Disposition of executive papers (H. Rept. 1371);

H.R. 9699, to authorize the sale of D.C. property in Prince William County, Va., by D.C. Commissioners (H. Rept. 1372);

S. 1691, relative to committing juvenile delinquents for observation and study (H. Rept. 1373);

H.R. 8941, authorizing acceptance by the Attorney General of gift made to the United States by the will of Esther Cattell Schmidt (H. Rept. 1374); and

Eleven private bills, H.R. 1604, 1918, 3372, 4563, 5686, 6076, 6272, 7549, 8886, 8946, and 9409 (H. Repts. 1375-1385, respectively).

Page 2474

New Member Sworn: Representative-elect Harold M. Ryan, of the 14th Congressional District of Michigan, presented himself at the bar of the House and the Speaker administered the oath of office.

Page 2403

Reorganization Plan No. 1 (Urban Affairs): By a record vote of 264 yeas to 150 nays the House adopted H. Res. 530, disapproving Reorganization Plan No. 1, transmitted to Congress by the President on January 30, 1962, providing for the establishment in the executive branch of a new Department of Urban Affairs and Housing of Cabinet rank, and thus disapproved the plan.

Pages 2403-2447

Joint Meeting: The calling of a recess by the Speaker was made in order on Monday, February 26, for the purpose of receiving Lt. Col. John H. Glenn, Jr., in a joint meeting.

Page 2448

Legislative Program: The legislative program for the balance of the week and for next week was announced by the majority leader.

Page 2448

Order of Business: It was agreed that when the House adjourns on Thursday it will stand adjourned to Monday, February 26, at 12 o'clock noon.

Page 2448

Welfare and Pension Plans Disclosure: Disagreed to Senate amendments to H.R. 8723, to amend the Welfare and Pension Plans Disclosure Act with respect to the method of enforcement and to provide certain additional sanctions; agreed to a conference requested by the Senate; and appointed as conferees Representatives Powell, Roosevelt, Dent, Smith of Iowa, Kearns, Hiestand, and Goodell.

Page 2448

Bill Rereferred: The Committee on Banking and Currency was discharged from further consideration of H.R. 10251, to confer jurisdiction in certain cases on the Secretaries of the military departments to authorize payment from appropriated funds of the military departments of amounts determined to be owing to contractors under armed services housing contracts, and the bill was rereferred to the Committee on Armed Services.

Page 2451

Bills Referred: Six Senate-passed bills were referred to the Committee on the Judiciary.

Page 2473

Quorum Call and Record Vote: During the proceedings of the House today one quorum call and one record vote developed and they appear on pages 2404 and 2447.

Program for Thursday: Adjourned at 4:38 p.m. until Thursday, February 22, at 12 o'clock noon, when Representative Roush will read George Washington's Farewell Address to the House.

Committee Meetings

GENERAL FARM BILL

Committee on Agriculture: The committee continued hearings on H.R. 10010, the general farm bill, with representatives of the Department of Agriculture. Hearings continue Thursday, February 22.

MILITARY PROCUREMENT

Committee on Armed Services: Met in executive session on H.R. 9751, to authorize the procurement of aircraft, missiles, and naval vessels. Heard testimony from Maj. Gen. L. J. Lincoln, Assistant Deputy Chief of Staff for Logistics; and other Department of the Army witnesses. Hearings continue Friday, February 23.

NATIONAL SCHOOL LUNCH ACT

Committee on Education and Labor: Met in executive session and ordered reported favorably to the House H.R. 8962, to revise the formula for apportioning cash assistance funds among the States under the National School Lunch Act.

CIVIL DEFENSE

Committee on Government Operations: Subcommittee on Military Operations heard various departmental witnesses on proposed civil defense legislation.

GUAM—VIRGIN ISLANDS

Committee on Interior and Insular Affairs: The committee ordered reported favorably to the House the following bills:

H.R. 9097 (amended), to authorize the Secretary of the Interior to sell certain public lands in Idaho;

H.R. 9273 (amended), to repeal obsolete laws relating to military bounty land warrants and to provide for cancellation of recorded warrants; and

H.R. 10063, to provide for appointment of acting secretaries for Guam and the Virgin Islands under certain conditions.

Also agreed to a committee resolution offering no objections to a proposed land withdrawal in Tonto National Forest, Ariz.

NATIONAL PARKS

Committee on Interior and Insular Affairs: Subcommittee on National Parks met in executive session and reported favorably to the full committee H.J. Res. 449 (amended), to provide for the establishing of the former dwelling house of Alexander Hamilton as a national memorial; and H.R. 8484 (amended), to authorize establishment of the Theodore Roosevelt Birthplace and Sagamore Hill National Historic Sites, N.Y.

NATIONAL ACCIDENT PREVENTION CENTER

Committee on Interstate and Foreign Commerce: Subcommittee on Health and Safety continued hearings on H.R. 133, to establish a National Accident Prevention Center. Testimony was given by Department of Labor officials. Adjourned subject to call of the Chair.

CLAIMS

Committee on the Judiciary: Subcommittee No. 2 heard various Government witnesses on H.R. 9877, to provide for the settlement of claims against the U.S. by members of the uniformed services and civilian officers and employees of the U.S. for damage to, or loss of, personal property incident to their service. The subcommittee in executive session took action on several private claim bills.

EASTERN JUDICIAL DISTRICT—WISCONSIN

Committee on the Judiciary: Subcommittee No. 5 met in executive session and ordered favorably reported to the full committee H.R. 10184, to amend the U.S. Code so as to reconstitute the eastern judicial district of Wisconsin to include Menominee County, Wis.

LIABILITY—VESSEL OWNERS

Committee on Merchant Marine and Fisheries: The Subcommittee on Merchant Marine heard testimony from public witnesses on H.R. 207, to provide for limitation of liability for vessel owners in suits by third parties based upon the warranty of seaworthiness. Hearings were concluded.

tation of liability for vessel owners in suits by third parties based upon the warranty of seaworthiness. Hearings were concluded.

RIGHT-OF-WAY SITUATION—MASSACHUSETTS

Committee on Public Works: Special Subcommittee on the Federal-Aid Highway Program continued hearings on the right-of-way situation in Massachusetts. Heard testimony from public witnesses. Hearings continue Thursday, February 22.

JUDICIAL REVIEW—VETERANS' CLAIMS

Committee on Veterans' Affairs: Subcommittee continued consideration of bills to provide for judicial review of veterans' claims. Testimony was given by representatives of the American Legion and the Disabled American Veterans' organizations.

TAXES

Committee on Ways and Means: The committee met in executive session regarding final decisions on the pending tax bill. Recessed until Thursday, February 22.

COMMITTEE MEETINGS FOR THURSDAY, FEBRUARY 22

(All meetings are open unless otherwise designated)

Senate

Committee on Agriculture and Forestry, on S. 2786, Food and Agriculture Act of 1962, 10 a.m., 324 Old Senate Office Building.

Committee on Appropriations, subcommittee, on fiscal 1963 budget estimates for the Department of Agriculture, and related agencies, 10 a.m. and 2 p.m., 1114 New Senate Office Building.

Committee on Commerce, Communications Subcommittee, on S. 2109, to give the FCC certain regulatory authority over television receiving apparatus, 10:30 a.m., 5110 New Senate Office Building.

House

Committee on Agriculture, on H.R. 10010, the general farm bill, 10 a.m., 1310 New House Office Building.

Committee on Armed Services, Subcommittee on Real Estate, executive, on pending real estate projects, 10 a.m., 313-A Old House Office Building.

Committee on Interior and Insular Affairs, Subcommittee on Irrigation and Reclamation, on H.R. 980, re the Auburn-Folsom south unit, American River division, Central Valley project, California, 9:45 a.m., 1324 New House Office Building.

Committee on Public Works, Special Subcommittee on the Federal-Aid Highway Program, on right-of-way situation in Massachusetts, 10 a.m., 1302 New House Office Building.

Committee on Ways and Means, executive, on final decisions regarding pending tax bill, 10 a.m., committee room, New House Office Building.

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For information only
should not be quoted
or cited)

Issued February 27, 1962
For actions of February 26, 1962
87th-2d, No. 27

CONTENTS

Adjourned.....6	Food.....3,9	Livestock products.....27
Conservation.....24	Foreign aid.....3	Marketing.....17,22
Cooperatives.....13,23	Foreign trade.....15	Minerals.....25
Cotton.....29	Forest service.....14	Peace Corps.....5,12,19
Education.....11,20	Ham marketing.....17	Reclamation.....16
Electrification.....4	Labor standards.....9	School lunch.....7
Farm program.....1,8,18	Lands.....21	Standard Time.....26
		Taxation.....13
		Territories.....10
		Urban affairs.....28
		Water resources.....2

HIGHLIGHTS: House committee reported bill to revise school lunch fund apportionment formula. Sen. Hruska criticized farm bill. Rep. Smith, Iowa, defended farm bill. Rep. May criticized farm bill provisions on recreation facilities.

SENATE

1. FARM PROGRAM. Sen. Hruska criticized the farm bill as being unrealistic and stated that the farmer should be led "gradually to the safety of the free and open market" through a program which would include "an effective land retirement program; elimination of the vicious competition between the farmer and the Government with its hoards of Commodity Credit Corporation stocks; an orderly cutoff of wheat allotments and marketing quotas; a relationship between the support price for wheat and that for corn; limitation of agricultural conservation payments; export payments in kind; support of the parity concept." pp. 2643-4
2. WATER RESOURCES. The Subcommittee on Irrigation and Reclamation of the Interior and Insular Affairs Committee on Feb. 23 approved for reporting to the full committee without amendment S. 1023, to provide for the construction of additional features of the Talent division of the Rogue River Basin reclamation project, Ore., and H. R. 7855, to grant the consent of Congress to an amendment of a compact ratified by La. and Texas relating to the waters of the Sabine River. p. D110

3. FOOD; FOREIGN AID. Sen. Yarborough inserted and commended a newspaper editorial suggesting that "we use the land-grant colleges to send people to Latin American countries to teach the people to raise food in quantity under a program called Operation Food Production." pp. 2642-3
4. ELECTRIFICATION. Sens. Anderson and McGee inserted and commended a newspaper editorial praising the agreements negotiated by the Bureau of Reclamation with private power companies for the transmission of power to be generated by the Colorado River electro-power projects. pp. 2631-2, 2639
5. PEACE CORPS. Sen. McGee inserted an article commending the work of the Peace Corps and stating that the Corps "now has 698 volunteers working in 13 countries and every host nation has asked for more." pp. 2637-8
6. ADJOURNED until Thurs., Mar. 1. p. 2644

HOUSE

7. SCHOOL LUNCH PROGRAM. The Education and Labor Committee reported with amendment H. R. 8962, to revise the formula for apportioning cash assistance funds among the States under the National School Lunch Act (H. Rept. 1389). p. 2716
8. FARM PROGRAM. Rep. May criticized the provision in the Administration's farm bill providing for long-term agreements with farmers for recreation development, saying, "Any of our rich farmland taken for recreational purposes will be lost to farming forever." pp. 2698-9
Rep. Smith, Ia., praised the feed grain provisions of H. R. 10010, saying, "Secretary of Agriculture Freeman is recommending we move excessive Government stocks in an orderly, reasonable way into the channels of use." p. 2702
9. LABOR. Received from the Labor Department a report on the exemptions available for the handling and processing of agricultural products, pursuant to the Fair Labor Standards Amendments of 1961. p. 2716
10. TERRITORIES. The Interior and Insular Affairs Committee reported without amendment H. R. 10063, to provide for appointment of acting secretaries for Guam and the Virgin Islands under certain conditions (H. Rept. 1388). p. 2716
11. EDUCATION. The "Daily Digest" states: "Committee on Education and Labor: The Select Subcommittee on Education and General Subcommittee on Labor met in executive session and ordered reported favorably to the full committee H. R. 10143 (a clean bill to be introduced), the Adult Literacy Act of 1962." p. D111
12. PEACE CORPS. Received from the President a proposed bill "to amend the Peace Corps Act"; to Foreign Affairs Committee. p. 2716

ITEMS IN APPENDIX

13. COOPERATIVES; TAXATION. Extension of remarks of Rep. Davis, Tenn., inserting an article, "Let Co-ops Pay, Too." pp. A1365-6
14. FOREST SERVICE. Extension of remarks of Sen. Anderson inserting a speech by Edward C. Crafts, "Your County and the U. S. Forest Service." pp. A1367-70

AMENDMENTS TO NATIONAL SCHOOL LUNCH ACT

FEBRUARY 26, 1962.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. POWELL, from the Committee on Education and Labor, submitted the following

R E P O R T

[To accompany H.R. 8962]

The Committee on Education and Labor, to whom was referred the bill (H.R. 8962) to revise the formula for apportioning cash assistance funds among the States under the National School Lunch Act, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment strikes out all after the enacting clause and inserts in lieu thereof a substitute, as follows:

That section 3 of the National School Lunch Act is amended to read as follows:

“APPROPRIATIONS AUTHORIZED

“SEC. 3. For each fiscal year there is hereby authorized to be appropriated, out of money in the Treasury not otherwise appropriated, such sums as may be necessary to enable the Secretary of Agriculture (hereinafter referred to as the ‘Secretary’) to carry out the provisions of this Act, other than section 11.”

SEC. 2. Section 4 of the National School Lunch Act is amended to read as follows:

“APPORTIONMENTS TO STATES

“SEC. 4. The sums appropriated for any fiscal year pursuant to the authorization contained in section 3 of this Act, excluding the sum specified in section 5, shall be available to the Secretary for supplying agricultural commodities and other foods for the program in accordance with the provisions of this Act. The Secretary shall apportion among the States during each fiscal year not less than 75 per centum of the funds made available for such year for supplying agricultural commodities and other foods under the provisions of section 3 of this Act. Apportionment among the States shall be made on the basis of two factors: (1) the participation rate for the State, and (2) the assistance need rate for the State. The amount of apportionment to any State shall be determined by the following method: First, determine an index for the State by multiplying factors (1) and (2); second, divide this index by the sum of the indices for all the States (*exclusive*

of American Samoa for periods ending before June 30, 1967); and third, apply the figure thus obtained to the total funds to be apportioned. If any State cannot utilize all funds so apportioned to it, or if additional funds are made available under section 3 for apportionment among the States, the Secretary shall make further apportionments to the remaining States in the same manner. Notwithstanding the foregoing provisions of this section, (1) for the fiscal year beginning July 1, 1962, one-half of any funds available for apportionment among the States shall be apportioned in the manner used prior to such fiscal year, and one-half of any such funds shall be apportioned in accordance with the foregoing provisions of this section, and (2) for the five fiscal years in the period beginning July 1, 1962, and ending June 30, 1967, the amount apportioned to American Samoa shall be \$25,000 each year, which amount shall be first deducted from the funds available for apportionment in determining the amounts to be apportioned to the other States."

SEC. 3. (a) Section 5 of the National School Lunch Act is amended by striking out the last sentence thereof.

(b) Section 6 of the National School Lunch Act is amended by striking out "and less the amount apportioned to him pursuant to sections 4, 5, and 10" and inserting in lieu thereof the following: "less the amount apportioned by him pursuant to sections 4, 5, and 10, and less the amount appropriated pursuant to section 11".

SEC. 4. Section 10 of the National School Lunch Act is amended by striking out "the same proportion of the funds as the number of children between the ages of 5 and 17, inclusive, attending nonprofit private schools within the State is of the total number of persons of those ages within the State attending school" and inserting in lieu thereof the following: "an amount which bears the same ratio to such funds as the number of lunches, consisting of a combination of foods and meeting the minimum requirements prescribed by the Secretary pursuant to section 9, served in the preceding fiscal year by all nonprofit private schools participating in the program under this Act within the State, as determined by the Secretary, bears to the participation rate for the State".

SEC. 5. Section 11 of the National School Lunch Act is redesignated as section 12 and subsection (d) thereof is amended to read as follows:

"(d) For the purposes of this Act—

"(1) 'State' means any of the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, or American Samoa.

"(2) 'State educational agency' means, as the State legislature may determine, (A) the chief State school officer (such as the State superintendent of public instruction, commissioner of education, or similar officer), or (B) a board of education controlling the State department of education.

"(3) 'Nonprofit private school' means any private school exempt from income tax under section 501(c)(3) of the Internal Revenue Code of 1954.

"(4) 'Nonfood assistance' means equipment used by schools in storing, preparing, or serving food for schoolchildren.

"(5) 'Participation rate' for a State means a number equal to the number of lunches, consisting of a combination of foods and meeting the minimum requirements prescribed by the Secretary pursuant to section 9, served in the preceding fiscal year by schools participating in the program under this Act in the State, as determined by the Secretary.

"(6) 'Assistance need rate' (A) in the case of any State having an average annual per capita income equal to or greater than the average annual per capita income for all the States, shall be 5; and (B) in the case of any State having an average annual per capita income less than the average annual per capita income for all the States, shall be the product of 5 and the quotient obtained by dividing the average annual per capita income for all the States by the average annual per capita income for such State, except that such product may not exceed 9 for any such State. For the purposes of this paragraph (i) the average annual per capita income for any State and for all the States shall be determined by the Secretary on the basis of the average annual per capita income for each State and for all the States for the three most recent years for which such data are available and certified to the Secretary by the Department of Commerce; and (ii) the average annual per capita income for American Samoa shall be disregarded in determining the average annual per capita income for all the States for periods ending before July 1, 1967.

"(7) 'School' means any public or nonprofit private school of high school grade or under and, with respect to Puerto Rico, shall also include nonprofit child-care centers certified as such by the Governor of Puerto Rico."

SEC. 6. The National School Lunch Act is further amended by inserting immediately after section 10 thereof the following new section:

"SPECIAL ASSISTANCE

"SEC. 11. There is hereby authorized to be appropriated such sums as may be necessary to enable the Secretary, under such terms and conditions as he deems to be in the public interest, to provide special assistance to schools drawing attendance from areas in which poor economic conditions exist, for the purpose of helping such schools to meet the requirements established in this Act concerning the service of lunches to children unable to pay the full cost of such lunches."

SEC. 7. The amendments made by this Act shall take effect on July 1, 1962.

EXPLANATION OF AMENDMENT

The committee amendment is in the nature of a substitute. It makes the following changes in the National School Lunch Act:

1. The formula for apportionment of cash assistance funds among the States is based upon number of type A lunches served in the preceding year, including those served without milk as a beverage, and the assistance need rate for the State. Under existing law, funds are apportioned on the basis of total school-age population. During the fiscal year beginning July 1, 1962, one-half of the cash assistance funds will be distributed under existing law and one-half under the new formula.

2. A special assistance fund is authorized to assist schools drawing attendance from areas in which poor economic conditions exist and which are not financially able, with the basic assistance provided under the act, to (1) operate a lunch program or (2) meet the need for free or substantially reduced price lunches among those children unable to pay the full price of the lunch. (Criteria for administering this provision (sec. 11) are included in an appendix to this report.)

3. The method is revised for dividing the State's share of the cash assistance funds between public and private schools, when such a division is necessary, because State statutes prevent the State agency from disbursing funds to private schools. The bill provides that division be made on the number of type A lunches served in each type of school in the preceding years, resulting in the same average per meal rate in both public and private schools.

4. American Samoa is brought into the program.

BACKGROUND OF LEGISLATION

Federal assistance to school lunch programs began in the mid-thirties. Foods acquired by the Department of Agriculture under surplus removal programs were donated to schools to help provide free lunches to needy children. This surplus purchase and donation operation was carried out under the authority of section 32 of the act of August 24, 1935. Section 32 provides a permanent annual appropriation to the Department of Agriculture for the general purpose of expanding domestic and export markets for agricultural commodities. Since its enactment the Department has stepped into the market, when necessary, to remove a surplus supply and has donated the purchased supplies to schools, charitable institutions, and needy families. The Department's surplus food donation authority was further expanded by section 416 of the Agricultural Act of 1949 which authorizes dona-

tions of food commodities acquired by the Commodity Credit Corporation under the price-support program.

In the 1930's, as well as in the present period, the volume and kinds of surplus foods available for donation to schools varied from year to year depending upon marketing conditions. Nonetheless, the availability of these foods did stimulate the inauguration of school feeding projects and, by 1940, over 2 million children were participating in school lunch programs that were receiving Federal surplus foods.

By 1943 the wartime demand for food had virtually eliminated the surplus problem in agriculture and in March of that year the Department announced that section 32 funds would be used to support the school lunch program through a reimbursement system. Under it, schools were to receive cash payments to make local purchases of food for the lunch program. Surplus food donations were to continue, but during the war period they were largely limited to occasional supplies of seasonal surpluses of items such as potatoes and cabbage.

As established in 1943, this cash assistance lunch program was basically similar to the present national school lunch program with respect to nutritional standards, free lunches for children unable to pay the full price of the lunch, and the requirement that schools operate their lunch programs on a nonprofit basis. The maximum basic Federal cash reimbursement per meal was 9 cents, as at present.

For the next 3 fiscal years—1944 through 1946—the authority to operate a cash reimbursement program with section 32 funds was contained in the annual appropriation bill for the Department of Agriculture. The program expanded rapidly after the inauguration of the cash reimbursement assistance and by the fiscal year 1946 about 4 million children were participating. In this period the departments of education in many States began to take a more active interest in the program although actual administration, including the taking of agreements with individual schools, continued to be the responsibility of the Department of Agriculture.

Having to rely on year-to-year authorizations in appropriation bills resulted in a recurring uncertainty concerning the availability of Federal funds and made it difficult for States to develop longer range plans for program expansion. This led to a move to provide permanent enabling legislation as a means of—in the words of the House Committee on Agriculture when it reported out the school lunch bill—"coordinating the work throughout the Nation and especially to encourage and increase financial participation and active control by the several States."

The National School Lunch Act was approved by the President in June 1946. It placed responsibility for the administration of the program in State educational agencies. They select schools for participation, take agreements with participating schools, pay reimbursement claims from funds advanced to the States by the Department, and generally supervise operations in the local schools within the policies and regulations established by the Department of Agriculture. The act did provide, however, that the Department of Agriculture would still administer the program in private schools in those States where by State law the State educational agency was prohibited from disbursing funds to private schools.

The Department now administers the private school program in 28 States and in the territory of Guam.

Other major features of the National School Lunch Act were:

(a) Authorization of an annual appropriation.

(b) A specific formula for the distribution of cash assistance funds among the States.

(c) Authority to the Secretary of Agriculture to determine nutritional standards for lunches served. (The type A lunch established to meet these standards includes a half pint of milk, a protein-rich food, fruits and vegetables, bread and butter or fortified margarine. Where schools cannot obtain a suitable supply of fluid milk, or where a child declines to drink milk, a lunch may be served without milk as a beverage.)

(d) A requirement that lunches be served free to children unable to pay.

(e) A requirement that participating schools operate their lunch programs on a nonprofit basis.

(f) Section 6 of the act gave the Secretary of Agriculture authority to use a portion of the appropriation for the direct purchase of foods for distribution to participating schools.

(g) Another section in the act provided for the use of \$10 million of each annual appropriation to assist schools in the purchase of equipment. (However, Congress has not appropriated funds for this purpose since the first year of the program.)

(h) Provision was made for the continued distribution of surplus foods to participating schools.

(i) The act also provided for State and local matching of Federal cash grants at a 3-to-1 ratio beginning July 1, 1955, with downward adjustments for States having a per capita income below the national average. The value of commodities donated to schools does not have to be matched. Also, as interpreted on the basis of legislative history, children's payments for lunches are considered as part of State and local matching funds.

The act provides that at least 75 percent of the annual appropriation be provided to States in the form of cash payments. Up to 3½ percent can be used by the Secretary for his administrative expenses, and the remaining amount (21½ percent) may be used to make special purchases for the program as authorized by section 6. In actual practice more than the minimum amount is provided to the States in the form of cash payments. Federal administrative expenses are held to about half of the permitted maximum, and the full amount is not reserved for section 6 purchases. In the current fiscal year, for example, 88.7 percent of the appropriation is being used for cash reimbursement, or \$12.3 million more than is required under the minimum 75-percent requirements.

From time to time since 1947 the Federal appropriation has been increased. It ranged from about \$70 to \$75 million for food assistance from 1947 through 1949. From 1950 through 1956 it was stabilized at about \$83.5 million; it was increased to \$100 million in 1957 and to \$110 million in 1959.

For 1962, \$115 million was made available out of appropriated funds, and an additional \$10 million of such funds together with a total of \$45 million of section 32 funds was authorized to make special commodity purchases for the program.

Under permanent legislation, steady and effective progress has been achieved. During the 1947 fiscal year, 34,144 schools were serving

lunches to 4,545,129 children. The total cost of the program, including Federal, State, and local contributions, together with payments by the children, amounted to \$218,588,894. During fiscal year 1961, 63,961 schools were serving lunches to 13,453,410 children. The total cost of the program, from all sources, had grown to \$1,051,049,745.

The Federal cash assistance grants amounted to \$59,896,235 in 1947 and had increased to \$93,746,304 by 1961.

Under existing law, and Department of Agriculture regulations, cash assistance funds are apportioned on the basis of school-age population and per capita personal income. States are required to reimburse participating schools on the basis of number of lunches served. The basic maximum allowable payment is 9 cents for each type A lunch with milk and 7 cents for each type A lunch without milk.

Because the program has grown faster in some States than in others, in actual practice the average per meal rates of cash assistance any State is able to pay its schools tends to be related more to the rate of program growth than to need as measured by per capita income of the State. Thus a higher income State with below average participation may be able to reimburse its schools at a higher rate than can a lower income State with above average participation.

The committee was impressed with data showing that in 1947 the cash reimbursement rate averaged 8.7 cents per lunch, and that it has now declined to about 4 cents. The rate of reimbursement ranges from less than 2 cents to 8.5 cents.

The committee was also impressed with the necessity of placing a floor under the reimbursement rate, as well as a ceiling as presently provided by departmental regulation. The committee gave serious consideration to a request that the high and low be placed at 5 cents and 9 cents.

Unless the program were fully implemented, it was recognized that serious injustice would be imposed on States with a high assistance need rate. The committee therefore recommends strongly that the program be fully implemented so that the factors "5" and "9" in the formula may, in fact, be 5 and 9 cents, respectively.

Average per meal rate of assistance and total apportionment under proposed formula

State ¹	With a cash assistance fund of ² —			
	\$118,600,000 ³	\$139,900,000 ⁴	\$118,600,000 ³	\$139,900,000 ⁴
	Proposed method	Proposed method	Proposed method	Proposed method
Delaware.....	208	245	4.2	5.0
District of Columbia.....	183	216	4.2	5.0
Connecticut.....	1,058	1,248	4.2	5.0
Nevada.....	110	130	4.2	5.0
New York.....	7,160	8,445	4.2	5.0
California.....	6,326	7,462	4.2	5.0
Alaska.....	91	107	4.2	5.0
New Jersey.....	2,125	2,507	4.2	5.0
Illinois.....	4,244	5,006	4.2	5.0
Massachusetts.....	2,414	2,848	4.2	5.0
Maryland.....	1,610	1,899	4.2	5.0
Ohio.....	4,996	5,894	4.2	5.0
Michigan.....	3,778	4,456	4.2	5.0
Washington.....	1,637	1,931	4.2	5.0
Colorado.....	1,082	1,277	4.2	5.0
Pennsylvania.....	5,421	6,395	4.2	5.0
Oregon.....	1,101	1,299	4.2	5.0
Wyoming.....	220	260	4.2	5.0
Missouri.....	2,661	3,139	4.2	5.0
Rhode Island.....	346	408	4.3	5.1
Indiana.....	2,825	3,332	4.3	5.1
Hawaii.....	620	732	4.4	5.2
Wisconsin.....	2,303	2,716	4.4	5.2
Nebraska.....	871	1,027	4.5	5.3
New Hampshire.....	350	412	4.6	5.4
Minnesota.....	2,561	3,021	4.6	5.3
Kansas.....	1,411	1,665	4.6	5.4
Montana.....	419	494	4.6	5.4
Arizona.....	980	1,156	4.7	5.6
Iowa.....	2,192	2,585	4.7	5.6
Guam.....	76	90	4.8	5.7
Florida.....	3,774	4,452	4.8	5.7
Texas.....	5,952	7,021	4.8	5.7
Utah.....	754	889	4.9	5.8
Maine.....	669	789	5.1	6.0
Vermont.....	246	290	5.1	6.0
Virginia.....	3,081	3,635	5.1	6.0
Oklahoma.....	1,717	2,025	5.1	6.0
Idaho.....	556	656	5.1	6.0
New Mexico.....	815	962	5.2	6.1
South Dakota.....	450	566	5.3	6.3
North Dakota.....	595	701	5.3	6.3
West Virginia.....	1,565	1,846	5.6	6.6
Louisiana.....	4,205	4,960	5.7	6.7
Georgia.....	4,494	5,301	5.9	7.0
North Carolina.....	5,390	6,358	6.1	7.2
Tennessee.....	3,446	4,065	6.1	7.2
Kentucky.....	3,192	3,766	6.1	7.2
Alabama.....	3,621	4,271	6.4	7.6
South Carolina.....	3,376	3,982	6.9	8.1
Arkansas.....	2,186	2,579	7.0	8.3
Mississippi.....	3,229	3,809	7.6	9.0
Virgin Islands.....	61	72	7.6	9.0
Puerto Rico.....	3,817	4,503	7.6	9.0
U.S. total.....	118,600	139,900	5.0	5.9

¹ States ranked in order from highest to lowest per capita income average for latest 3 years: 1958, 1959, 1960.

² Based on estimated meals in fiscal year 1962.

³ U.S. Department of Agriculture budget request, fiscal year 1963.

⁴ Amount estimated to be appropriated for full implementation.

ADMINISTRATION OF SECTION 11

Funds appropriated under the authority of the proposed new section 11 of the National School Lunch Act are designed to provide special food assistance to those schools which, because of the poor local economic conditions of the area from which they draw attendance, are not financially able with the basic assistance provided under the act to (1) operate a lunch program or (2) meet the need for free or

substantially reduced price lunches among those children unable to pay the full price of the lunch. Selection of schools for section 11 assistance will be made upon the basis of an application from the school which will furnish information showing the need for additional financial aid, over and above that now available to the lunch program from Federal, State, and local sources, in order to make a lunch available to those needy children unable to pay the full price.

While operating experience is required to determine the most effective detailed administrative regulations to insure that these funds go to the type of school for which they are intended, the following broad operating principles and guidelines can be immediately incorporated into the new program:

1. The present administrative pattern will be continued, with responsibility for selecting schools and disbursing funds left in the hands of State educational agencies, except in the 29 States or territories where State law makes it necessary for the Department of Agriculture to deal directly with private schools.

2. Because all States have some areas and schools with special economic need, at least 50 percent of any funds appropriated under the new section 11 will be divided among the States on the basis of a special apportionment formula described in the following section. The remaining amount of any such appropriation will be held in a reserve by the Department to meet additional needs.

3. Any funds made available to the States and territories under the authority of section 11 will be disbursed to schools selected on the basis of the special economic need of the schools. Administrative regulations of the Department will outline the factors to be considered by the States (or the Department in the case of private schools) in the selection of such schools. These factors are outlined in a later section.

4. Funds disbursed to approved schools shall be used to make local purchases of food for the program. The maximum rate of assistance shall be 15 cents per lunch. The Department will also work with State agencies to insure that such schools also receive special consideration in the distribution of foods especially purchased for school lunch purposes or made available under the surplus food donation program.

5. State agencies (and the Department in the case of private schools) will periodically review the financial position of lunch programs approved for section 11 assistance to determine the continuing need for such assistance.

A PROPOSED APPORTIONMENT FORMULA

A. The number of free or reduced-price lunches are now being served to needy children in the various States and territories is one measure of the relative need for special assistance. However, the actual performance with respect to the service of such meals also, in part, is a measure of the State's or community's ability to finance the service of such meals.

B. It is proposed, therefore, that an apportionment formula for the division of such funds be based upon the number of free or reduced-price meals being served to needy children, adjusted for the ability of a State to finance such meals as measured by the relationship of the national average per capita income to the per capita income of the

various States. Because of the atypical situation in the territories (Puerto Rico, Virgin Islands, Guam, and American Samoa), a special reserve would be established for them.

C. Three percent of the total appropriation under section 11 will be reserved for use by the territories. Of the remaining amount, 50 percent would be initially apportioned to the States under the formula described above. Another 25 percent of such funds would be apportioned in a similar fashion and would be advanced to any State proving the need for additional funds over and above its initial apportionment. The remaining 25 percent of the funds would be held in reserve by the Department to be equitably distributed among those States demonstrating a need for funds in excess of their initial and reserve apportionments.

GUIDELINES FOR THE SELECTION OF SCHOOLS

Administrative regulations of the Department will provide that State educational agencies (or the Department in the case of private schools) will select schools for participation in the section 11 program on the basis of a special application which will provide information on the following:

1. The special economic conditions of the community or the school which makes special assistance necessary to meet the requirements for participation in the school lunch program, especially the free or reduced-price requirement for needy children.

2. The percentage of free or reduced-price lunches being served or needed to be served. Priority would go to these schools needing to serve, or serving, at least 25 percent of lunches to such needy children, provided a need for special assistance is demonstrated.

3. The full price of the lunch to paying children, as an additional guide to the general economic conditions of the community or the school. In our minds a question should be raised concerning the eligibility of a school for special assistance if the full price of the lunch was in excess of the statewide average and we would expect the price to generally be less than the statewide average in these types of schools. A high lunch price, in relation to the economic conditions of the school, could result in an excessively large demand for free or reduced price lunches and could well be an indication of poor management.

4. Assurance that any token charge made to needy children in order to encourage independence will not preclude participation by those children who need to receive a free lunch in order to participate.

5. The financial position of the school lunch program to show the need for special Federal assistance in order to operate a lunch program in view of the number of needy children in the school. For presently participating schools, the application would show the revenue to the lunch program during the past year from Federal, State, and local sources, and the yearend financial position of the lunch program. These data would be analyzed in relationship to the information obtained under point (2) concerning the number of free or reduced-price meals that need to be served to those children unable to pay the full price.

THE SITUATION IN ALASKA

1. Alaska is one of the States which will receive a smaller proportion of the total funds made available for cash food assistance under the provisions of H.R. 8962 and the subsequent draft proposed by the staff of the General Education Subcommittee.

2. The reduction in the share of the total funds to Alaska (and other States in a similar situation) is primarily due to the relatively low level of participation in the school lunch program. On the average, about 17 percent of the school-age population in Alaska is participating in the school lunch program, compared with a national average of 32 percent and a peak of 69 percent in Louisiana and 65 percent in Hawaii.

3. It is recognized that some schools in Alaska may have a special problem with respect to the general cost of living and, in this case, the general cost of food purchased for school lunch purposes. On the other hand, per capita income is high in Alaska as are wage rates in manufacturing. The proposed apportionment formula does benefit Alaska because the State is treated on the same basis as all other States having a per capita income higher than the national average.

4. It is further recognized that to adjust the apportionment formula for any single State, based upon food costs, might well open the door for a similar request on the part of any other State which believes its situation is somewhat different from that of the national average.

5. It is believed that the most essential current need is to revise the apportionment formula to overcome the inequities arising from the varying levels of school lunch participation among the various States. After sufficient experience has been gained in this major revision, the subcommittee and the Department would be in a better position to subsequently evaluate the need for further adjustments in the distribution of school lunch funds to Alaska.

6. Some of the more serious problems in Alaska might well be solved under the provision of the new section 11, which provides additional assistance to those schools demonstrating a special economic need. Experience under this new authority will place the subcommittee and the Department in a better position to evaluate the need for further revisions in the National School Lunch Act.

SECTION-BY-SECTION DESCRIPTION OF THE COMMITTEE SUBSTITUTE

H.R. 8962 is reported with a committee amendment which strikes out everything after the enacting clause and inserts in lieu thereof a new text. The following is a description of the committee substitute.

SECTION 1

The first section of the committee substitute makes only one significant change in section 3 of the National School Lunch Act (hereafter referred to as the "act"), although it rewrites section 3 of the act in its entirety. Section 3 of the act authorizes appropriations to carry out the provisions of the act and the only significant change made in existing law by the committee substitute is to make it explicit that the provisions of section 3 do not apply to new section 11, which is added to the act by the substitute and provides for special assistance

to schools drawing attendance from areas in which poor economic conditions exist.

SECTION 2

Section 2 of the committee substitute revises the formula prescribed in section 4 of the act for the apportionment of cash assistance funds among the States.

Section 4 of the act now provides that the apportionment shall be based upon the relative numbers of the school-age children in the States and the relative need of the States for assistance as measured by their per capita incomes.

The committee substitute would base the apportionment of cash assistance funds to each State on two factors, the "participation rate" and the "assistance need rate" for the State. The "participation rate" for a State is the number of lunches served in schools in the State participating in the school lunch program under the act in the preceding fiscal year. (The term itself is defined in proposed section 12(d)(5) of the act.) The only lunches that would be counted for the purpose of determining the participation rate for a State are lunches consisting of a combination of foods and meeting the minimum requirements of what is referred to as the "type A" lunch. Thus, the "type C" (or milk only) lunch would not be counted for this purpose.

The "assistance need rate" for all the States would range from 5 to 9, both inclusive, and would be based on relative average annual per capita incomes of the States. States with an average annual per capita income equal to or greater than the national average would have an assistance need rate of 5. States with an average annual per capita income less than the national average would range above 5 through 9; the lower their average annual per capita income the greater their assistance need rate. Data for the most recent 3-year period will be used in determining the average annual per capita income of each State. The term "assistance need rate" is defined in proposed section 12(d)(6) which would be added to the act by the committee substitute.

The amount that any State would receive for any fiscal year in which the method of apportionment provided in the committee substitute is in full operation would be determined as follows: The participation rate for the State would be multiplied by the State's assistance need rate. The product thus determined would be divided by the sum of such products for all the States. The amounts available for cash assistance under section 3 of the act for the fiscal year in question would then be multiplied by the quotient determined under the preceding sentence and the product thus obtained would be the apportionment to the State of cash assistance funds.

Under the substitute, fiscal year 1963 is a period of transition from the old system of apportionment to the new method described immediately above. In that year, if the substitute is enacted into law, one-half of the cash assistance funds appropriated pursuant to section 3 would be apportioned under the formula now in effect and one-half of such funds would be apportioned under the new method provided in the substitute.

Under section 4 of the act, as now in effect, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands are treated differently from the several States and the District of Columbia in the apportion-

ment of cash assistance funds. Section 4, as it would be rewritten by the committee substitute, would result in the Commonwealth of Puerto Rico and the possessions of the United States which are included within the scope of the act receiving benefits on the same basis as the several States and the District of Columbia; except that American Samoa (which the substitute would make eligible to participate in the program for the first time) would receive an automatic apportionment of \$25,000 for each of the 5 fiscal years in the period beginning July 1, 1962, and ending June 30, 1967.

Section 4 of the act, as now in effect, contains a definition of the term "school." The substitute transfers this definition, without change, to proposed section 12(d)(7), so as to group it with the definitions of other terms used in the act.

SECTION 3

Subsection (a) of section 3 repeals the last sentence of section 5 of the act which incorporates by reference, for the apportionment of funds for nonfood assistance for the Commonwealth of Puerto Rico, the Virgin Islands, and Guam, the special method of apportionment in section 4 of the act, as now in effect.

Subsection (b) makes a technical amendment to exclude amounts appropriated pursuant to proposed section 11 (which would be added to the act by the committee substitute) from the amounts available to the Secretary of Agriculture to purchase of agricultural commodities and other foods for the school lunch program.

SECTION 4

This section amends section 10 of the act which provides for direct disbursement by the Secretary of Agriculture of funds for school lunch programs in nonprofit private schools which are located in States where the State educational agency is not permitted by law to disburse funds to nonprofit private schools or in States which cannot match Federal funds made available for nonprofit private schools. In the case of such States, section 10, as now in effect, reserves from a State's total apportionment, for disbursement by the Secretary to nonprofit private schools in the State, an amount based on relative numbers of students attending nonprofit private schools and public schools. As amended by the committee substitute, the amount available for disbursement by the Secretary to nonprofit private schools in such a State from the State's apportionment for any fiscal year would be determined on the basis of the relative numbers of school lunches served under the act in the preceding fiscal year by nonprofit private schools and by public schools in such State. Only so-called type A lunches, consisting of a combination of foods, would be used in determining the numbers of lunches served by both categories of schools.

SECTION 5

This section redesignates section 11 of the act as section 12 and rewrites subsection (d) thereof in its entirety. Subsection (d) contains definitions of terms used in the act. With the exception of technical

amendments, all the significant additions or changes made by the committee substitute in these definitions have been dealt with earlier in this section-by-section description.

SECTION 6

This section of the committee substitute adds a new section 11 to the act. The proposed section 11 would authorize the appropriation of such funds as may be necessary to enable the Secretary of Agriculture to provide special assistance to schools drawing attendance from areas in which poor economic conditions exist, in order to help those schools to meet the requirements of the act relating to the service of lunches to children unable to pay the full cost thereof.

SECTION 7

Section 7 provides that the amendments made to the act by the committee substitute will take effect on July 1, 1962.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is inclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

NATIONAL SCHOOL LUNCH ACT

AN ACT To provide assistance to the States in the establishment, maintenance, operation, and expansion of school-lunch programs, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National School Lunch Act."

DECLARATION OF POLICY

SEC. 2. It is hereby declared to be the policy of Congress, as a measure of national security, to safeguard the health and well-being of the Nation's children and to encourage the domestic consumption of nutritious agricultural commodities and other food, by assisting the States, through grants-in-aid and other means, in providing an adequate supply of foods and other facilities for the establishment, maintenance, operation, and expansion of nonprofit school-lunch programs.

APPROPRIATIONS AUTHORIZED

SEC. 3. For each fiscal year[, beginning with the fiscal year ending June 30, 1947,] there is hereby authorized to be appropriated, out of money in the Treasury not otherwise appropriated, such sums as may be necessary to enable the Secretary of Agriculture (hereinafter referred to as the "Secretary") to carry out the provisions of this Act, *other than section 11.*

APPORTIONMENTS TO STATES

SEC. 4. The sums appropriated for any fiscal year pursuant to the authorization contained in section 3 of this Act, excluding the sum specified in section 5, shall be available to the Secretary for supplying [, during such fiscal year,] agricultural commodities and other foods for the [school-lunch] program in accordance with the provisions of this Act. The Secretary shall apportion among the States during each fiscal year not less than 75 per centum of the [aforesaid] funds made available for such year for supplying agricultural commodities and other foods under the provisions of section 3 of this Act. [The total of such apportionments of funds for use in Puerto Rico, Guam, and the Virgin Islands shall not exceed 3 per centum of the funds appropriated for agricultural commodities and other foods for the school-lunch program; except that in the case of the first apportionments of funds from any annual or supplemental appropriation (and only in such case), the apportionment for Puerto Rico, the apportionment for Guam, and the apportionment for the Virgin Islands, shall be not less than that amount which will result in an allotment per child of school age equal to the allotment per child of school age in the State (other than Puerto Rico, Guam, and the Virgin Islands) having the lowest per capita income among the States participating in such first apportionments. Apportionment among the States shall be made on the basis of two factors: (1) The number of school children in the State and (2) the need for assistance in the State as indicated by the relation of the per capita income in the United States to the per capita income in the State.] *Apportionment among the States shall be made on the basis of two factors: (1) the participation rate for the State, and (2) the assistance need rate for the State.* The amount of [the initial] apportionment to any State shall be determined by the following method: First, determine an index for the State by multiplying factors (1) and (2); second, divide this index by the sum of the indices for all the States (*exclusive of American Samoa for periods ending before June 30, 1967*); and [, finally,] *third*, apply the figure thus obtained to the total funds to be apportioned. [For the purpose of this section, the number of school children in the State shall be the number of children therein between the ages of five and seventeen, inclusive; such figures and per capita income figures shall be the latest figures certified by the Department of Commerce. For the purposes of this Act, "school" means any public or nonprofit private school of high-school grade or under and, with respect to Puerto Rico, shall also include nonprofit child-care centers certified as such by the Governor of Puerto Rico.] If any State cannot utilize all funds so apportioned to it, or if additional funds are [available under this Act] *made available under section 3* for apportionment among the States, the Secretary shall make further apportionments to the remaining States in the same manner. *Notwithstanding the foregoing provisions of this section, (1) for the fiscal year beginning July 1, 1962, one-half of any funds available for apportionment among the States shall be apportioned in the manner used prior to such fiscal year, and one-half of any such funds shall be apportioned in accordance with the foregoing provisions of this section, and (2) for the five fiscal years in the period beginning July 1, 1962, and ending June 30, 1967, the amount apportioned to American Samoa shall be \$25,000 each year, which amount shall be first deducted from the funds available for*

apportionment in determining the amounts to be apportioned to the other States.

NONFOOD ASSISTANCE

SEC. 5. Of the sums appropriated for any fiscal year pursuant to the authorization contained in section 3 of this Act, \$10,000,000 shall be available to the Secretary for the purpose of providing, during such fiscal year, nonfood assistance for the school-lunch program pursuant to the provisions of this Act. The Secretary shall apportion among the States during each fiscal year the aforesaid sum of \$10,000,000, and such apportionment among the States shall be on the basis of the factors, and in accordance with the standards, set forth in section 4 with respect to the apportionment for agricultural commodities and other foods. [Apportionments of funds for use in Puerto Rico, Guam, and the Virgin Islands for nonfood assistance shall be determined subject to the provisions of the third sentence of section 4.]

DIRECT FEDERAL EXPENDITURES

SEC. 6. The funds appropriated for any fiscal year for carrying out the provisions of this Act, less not to exceed 3½ per centum thereof hereby made available to the Secretary for his administrative expenses [and less], *less* the amount apportioned by him pursuant to sections 4, 5, and 10, *and less the amount appropriated pursuant to section 11*, shall be available to the Secretary during such year for direct expenditure by him for agricultural commodities and other foods to be distributed among the States and schools participating in the school-lunch program under this Act in accordance with the needs as determined by the local school authorities. The provisions of law contained in the proviso of the Act of June 28, 1937 (50 Stat. 323), facilitating operations with respect to the purchase and disposition of surplus agricultural commodities under section 32 of the Act approved August 24, 1935 (49 Stat. 774), as amended, shall, to the extent not inconsistent with the provisions of this Act, also be applicable to expenditures of funds by the Secretary under this Act.

PAYMENTS TO STATES

SEC. 7. Funds apportioned to any State pursuant to section 4 or 5 during any fiscal year shall be available for payment to such State for disbursement by the State educational agency, in accordance with such agreements not inconsistent with the provisions of this Act, as may be entered into by the Secretary and such State educational agency, for the purpose of assisting schools of that State during such fiscal year, in supplying (1) agricultural commodities and other foods for consumption by children and (2) nonfood assistance in furtherance of the school-lunch program authorized under this Act. Such payments to any State in any fiscal year during the period 1947 to 1950, inclusive, shall be made upon condition that each dollar thereof will be matched during such year by \$1 from sources within the State determined by the Secretary to have been expended in connection with the school-lunch program under this Act. Such payments in any fiscal year during the period 1951 to 1955, inclusive, shall be made upon condition that each dollar thereof will be so matched by

one and one-half dollars; and for any fiscal year thereafter, such payments shall be made upon condition that each dollar will be so matched by \$3. In the case of any State whose per capita income is less than the per capita income of the United States, the matching required for any fiscal year shall be decreased by the percentage which the State per capita income is below the per capita income of the United States. For the purpose of determining whether the matching requirements of this section and section 10, respectively, have been met, the reasonable value of donated services, supplies, facilities, and equipment as certified, respectively, by the State educational agency and in case of schools receiving funds pursuant to section 10, by such schools (but not the cost or value of land, of the acquisition, construction, or alteration of buildings of commodities donated by the Secretary, or of Federal contributions), may be regarded as funds from sources within the State expended in connection with the school-lunch program. The Secretary shall certify to the Secretary of the Treasury from time to time the amounts to be paid to any State under this section and the time or times such amounts are to be paid; and the Secretary of the Treasury shall pay to the State at the time or times fixed by the Secretary the amounts so certified.

STATE DISBURSEMENT TO SCHOOLS

SEC. 8. Funds paid to any State during any fiscal year pursuant to section 4 or 5 shall be disbursed by the State educational agency, in accordance with such agreements approved by the Secretary as may be entered into by such State agency and the schools in the State, to those schools in the State which the State educational agency, taking into account need and attendance, determines are eligible to participate in the school-lunch program. Such disbursement to any school shall be made only for the purpose of reimbursing it for the cost of obtaining agricultural commodities and other foods for consumption by children in the school-lunch program and nonfood assistance in connection with such program. Such food costs may include, in addition to the purchase price of agricultural commodities and other foods, the cost of processing, distributing, transporting, storing, or handling thereof. In no event shall such disbursement for food to any school for any fiscal year exceed an amount determined by multiplying the number of lunches served in the school in the school-lunch program under this Act during such year by the maximum Federal food-cost contribution rate for the State, for the type of lunch served, as prescribed by the Secretary.

NUTRITIONAL AND OTHER PROGRAM REQUIREMENTS

SEC. 9. Lunches served by schools participating in the school-lunch program under this Act shall meet minimum nutritional requirements prescribed by the Secretary on the basis of tested nutritional research. Such meals shall be served without cost or at a reduced cost to children who are determined by local school authorities to be unable to pay the full cost of the lunch. No physical segregation of or other discrimination against any child shall be made by the school because of his inability to pay. School-lunch programs under this

Act shall be operated on a nonprofit basis. Each school shall, insofar as practicable, utilize in its lunch program commodities designated from time to time by the Secretary as being in abundance, either nationally or in the school area, or commodities donated by the Secretary. Commodities purchased under the authority of section 32 of the Act of August 24, 1935 (49 Stat. 774), as amended, may be donated by the Secretary to schools, in accordance with the needs as determined by local school authorities, for utilization in the school-lunch program under this Act as well as to other schools carrying out nonprofit school-lunch programs and institutions authorized to receive such commodities.

NONPROFIT PRIVATE SCHOOLS

SEC. 10. If, in any State, the State educational agency is not permitted by law to disburse the funds paid to it under this Act to nonprofit private schools in the State, or is not permitted by law to match Federal funds made available for use by such nonprofit private schools, the Secretary shall withhold from the funds apportioned to any such State under sections 4 and 5 of this Act [the same proportion of the funds as the number of children between the ages of five and seventeen, inclusive, attending nonprofit private schools within the State is of the total number of persons of those ages within the State attending school] *an amount which bears the same ratio to such funds as the number of lunches, consisting of a combination of foods and meeting the minimum requirements prescribed by the Secretary pursuant to section 9, served in the preceding fiscal year by all nonprofit private schools participating in the program under this Act within the State, as determined by the Secretary, bears to the participation rate for the State.* The Secretary shall disburse the funds so withheld directly to the nonprofit private schools within said State for the same purposes and subject to the same conditions as are authorized or required with respect to the disbursements to schools within the State by the State educational agency, including the requirement that any such payment or payments shall be matched, in the proportion specified in section 7 for such State, by funds from sources within the State expended by nonprofit private schools within the State participating in the school-lunch program under this Act. Such funds shall not be considered a part of the funds constituting the matching funds under the terms of section 7.

SPECIAL ASSISTANCE

SEC. 11. *There is hereby authorized to be appropriated such sums as may be necessary to enable the Secretary, under such terms and conditions as he deems to be in the public interest, to provide special assistance to schools drawing attendance from areas in which poor economic conditions exist, for the purpose of helping such schools to meet the requirements established in this Act concerning the service of lunches to children unable to pay the full cost of such lunches.*

MISCELLANEOUS PROVISIONS AND DEFINITIONS

SEC. [11] 12. (a) States, State educational agencies, and schools participating in the school-lunch program under this Act shall keep such accounts and records as may be necessary to enable the Secretary

to determine whether the provisions of this Act are being complied with. Such accounts and records shall at all times be available for inspection and audit by representatives of the Secretary and shall be preserved for such period of time, not in excess of five years, as the Secretary determines is necessary.

(b) The Secretary shall incorporate, in his agreements with the State educational agencies, the express requirements under this Act with respect to the operation of the school-lunch program under this Act insofar as they may be applicable and such other provisions as in his opinion are reasonably necessary or appropriate to effectuate the purposes of this Act.

(c) In carrying out the provisions of this Act, neither the Secretary nor the State shall impose any requirement with respect to teaching personnel, curriculum, instruction, methods of instruction, and materials of instruction in any school. If a State maintains separate schools for minority and for majority races, no funds made available pursuant to this Act shall be paid or disbursed to it unless a just and equitable distribution is made within the State, for the benefit of such minority races, of funds paid to it under this Act.

(d) For the purposes of this Act—

[(1) "State" includes any of the forty-eight States, the District of Columbia, Hawaii, Alaska, Puerto Rico, Guam, and the Virgin Islands.]

(1) "*State*" means *any of the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, or American Samoa.*

(2) "State educational agency" means, as the State legislature may determine, [(a)] (A) the chief State school officer (such as the State superintendent of public instruction, commissioner of education, or similar officer), or [(b)] (B) a board of education controlling the State department of education [; except that in the District of Columbia it shall mean the Board of Education, and except that for the period ending June 30, 1948, "State educational agency" may mean any agency or agencies within the State designated by the Governor to carry out the functions herein required of a State educational agency].

(3) "Nonprofit private school" means any private school exempt from income tax under section [(101(6))] 501(c)(3) of the Internal Revenue Code [, as amended] of 1954.

(4) "Nonfood assistance" means equipment used [on school premises] by schools in storing, preparing, or serving food for school children.

(5) "*Participation rate*" for a State means a number equal to the number of lunches, consisting of a combination of foods and meeting the minimum requirements prescribed by the Secretary pursuant to section 9, served in the preceding fiscal year by schools participating in the program under this Act in the State, as determined by the Secretary.

(6) "*Assistance need rate*" (A) in the case of any State having an average annual per capita income equal to or greater than the average annual per capita income for all the States, shall be 5; and (B) in the case of any State having an average annual per capita income less than the average annual per capita income for all the States, shall be the product of 5 and the quotient obtained by dividing

the average annual per capita income for all the States by the average annual per capita income for such State, except that such product may not exceed 9 for any such State. For the purposes of this paragraph (i) the average annual per capita income for any State and for all the States shall be determined by the Secretary on the basis of the average annual per capita income for each State and for all the States for the three most recent years for which such data are available and certified to the Secretary by the Department of Commerce; and (ii) the average annual per capita income for American Samoa shall be disregarded in determining the average annual per capita income for all the States for periods ending before July 1, 1967.

(7) "School" means any public or nonprofit private school of high school grade or under and, with respect to Puerto Rico, shall also include nonprofit child-care centers certified as such by the Governor of Puerto Rico.



87TH CONGRESS
2^D SESSION

H. R. 8962

[Report No. 1389]

IN THE HOUSE OF REPRESENTATIVES

AUGUST 29, 1961

Mr. O'HARA of Michigan introduced the following bill; which was referred to the Committee on Education and Labor

FEBRUARY 26, 1962

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To revise the formula for apportioning cash assistance funds among the States under the National School Lunch Act, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the National School Lunch Act of 1946, as amended,
4 is amended by revising section 3 to read as follows:

5 “(a) For each fiscal year there is hereby authorized to
6 be appropriated, out of money in the Treasury not other-
7 wise appropriated, such sums as may be necessary to enable
8 the Secretary of Agriculture (hereinafter referred to as ‘the
9 Secretary’) to carry out the provisions of this Act other
10 than section 11.

1 “(b) For each fiscal year there is hereby authorized to
2 be appropriated in addition to the sums authorized in
3 subsection (a) above, out of money in the Treasury not
4 otherwise appropriated, such sums as may be necessary to
5 enable the Secretary to carry out the provisions of section
6 11 of this Act.”

7 SEC. 2. Section 4 of the Act is revised to read as follows:
8 “The sums appropriated for any fiscal year pursuant to the
9 authorization contained in section 3(a) of this Act, exclud-
10 ing the sum specified in section 5, shall be available to the
11 Secretary for supplying agricultural commodities and other
12 foods for the program in accordance with the provisions of
13 this Act. The Secretary shall apportion among the States
14 during each fiscal year not less than 75 per centum of the
15 funds made available for such year for supplying agricul-
16 tural commodities and other foods under the provisions of
17 section 3(a) of this Act. Apportionment among the States
18 shall be made on the basis of two factors: (1) the partici-
19 pation rate for the State; and (2) the assistance need rate for
20 the State. The amount of apportionment to any State shall
21 be determined by the following method: First, determine an
22 index for the State by multiplying factors (1) and (2);
23 second, divide this index by the sum of the indices for all
24 the States; and third, apply the figure thus obtained to the

1 total funds to be apportioned. If any State cannot utilize all
 2 funds so apportioned to it, or if additional funds are made
 3 available under section 3(a) for apportionment among the
 4 States, the Secretary shall make further apportionments to
 5 the remaining States in the same manner. Notwithstanding
 6 the foregoing provisions of this section, for the fiscal year
 7 ending June 30, 1962, one-half of the funds available for
 8 apportionment among the States shall be apportioned on
 9 the basis of the factors used prior to such fiscal year, and
 10 one-half of such funds, and any funds available for further
 11 apportionments, shall be apportioned in accordance with the
 12 foregoing provisions."

13 SEC. 3. Section 5 of the Act is amended by striking out
 14 the last sentence thereof.

15 SEC. 4. Section 10 of the Act is amended by striking
 16 out "number of children between the ages of five and seven-
 17 teen, inclusive, attending nonprofit private schools within the
 18 State is of the total number of persons of those ages within
 19 the State attending school" and inserting in lieu thereof the
 20 following: "participation rate for all nonprofit private schools
 21 within the State is of the participation rate for the State".

22 SEC. 5. Section 11 of the Act is redesignated as section
 23 12 and subsection (d) thereof is amended to read as follows:

24 "For the purposes of this Act—

1 “(1) ‘State’ means any of the fifty States, the Dis-
2 trict of Columbia, the Commonwealth of Puerto Rico,
3 the Virgin Islands, and Guam.

4 “(2) ‘State educational agency’ means, as the State
5 legislature may determine, (a) the chief State school
6 officer (such as the State superintendent of public
7 instruction, commissioner of education, or similar offi-
8 cer), or (b) a board of education controlling the State
9 department of education.

10 “(3) ‘Nonprofit private school’ means any private
11 school exempt from income tax under section 101(6)-
12 of the Internal Revenue Code, as amended.

13 “(4) ‘Nonfood assistance’ means equipment used
14 by schools in storing, preparing, or serving food for
15 school children.

16 “(5) ‘Participation rate’ means the number of
17 lunches, meeting the minimum requirements of the type
18 of lunch for which the maximum rate of reimbursement
19 is authorized by the Secretary, served by participating
20 schools in each State in the preceding fiscal year, as
21 determined by the Secretary.

22 “(6) ‘Assistance need rate’ means that rate deter-
23 mined by assigning a value of five to each of the States
24 and by increasing the value of five for each State hav-
25 ing an annual per capita income less than the average

1 annual per capita income of all the States by the ratio
2 that the average annual per capita income of all the
3 States bears to the per capita income of said State, up to
4 a maximum value of nine. The per capita income fig-
5 ures shall be the average of those certified by the De-
6 partment of Commerce for the latest three years for
7 which such figures are available.

8 “(7) ‘School’ means any public or nonprofit pri-
9 vate school of high school grade or under and, with re-
10 spect to Puerto Rico, shall also include nonprofit child-
11 care centers certified as such by the Governor of Puerto
12 Rico.”

13 SEC. 6. The following language is inserted after section
14 10 of the Act:

15 “SPECIAL ASSISTANCE

16 “SEC. 11. The sums appropriated pursuant to section
17 3(b) of this Act shall be used by the Secretary, under such
18 terms and conditions as he deems to be in the public interest,
19 to provide special assistance to needy schools for the pur-
20 pose of helping them to meet the requirements established
21 in this Act concerning the service of lunches to children un-
22 able to pay the full cost of the lunch.”

23 SEC. 7. These amendments shall become effective
24 July 1, 1961.

1 *That section 3 of the National School Lunch Act is amended*
2 *to read as follows:*

3 *“APPROPRIATIONS AUTHORIZED*

4 *“SEC. 3. For each fiscal year there is hereby authorized*
5 *to be appropriated, out of money in the Treasury not other-*
6 *wise appropriated, such sums as may be necessary to enable*
7 *the Secretary of Agriculture (hereinafter referred to as the*
8 *‘Secretary’) to carry out the provisions of this Act, other*
9 *than section 11.”*

10 *SEC. 2. Section 4 of the National School Lunch Act is*
11 *amended to read as follows:*

12 *“APPORTIONMENTS TO STATES*

13 *“SEC. 4. The sums appropriated for any fiscal year*
14 *pursuant to the authorization contained in section 3 of this*
15 *Act, excluding the sum specified in section 5, shall be avail-*
16 *able to the Secretary for supplying agricultural commodities*
17 *and other foods for the program in accordance with the*
18 *provisions of this Act. The Secretary shall apportion*
19 *among the States during each fiscal year not less than*
20 *75 per centum of the funds made available for such year*
21 *for supplying agricultural commodities and other foods*
22 *under the provisions of section 3 of this Act. Apportion-*
23 *ment among the States shall be made on the basis of two*
24 *factors: (1) the participation rate for the State, and (2)*
25 *the assistance need rate for the State. The amount of ap-*

1 portionment to any State shall be determined by the following
 2 method: First, determine an index for the State by multi-
 3 plying factors (1) and (2); second, divide this index by
 4 the sum of the indices for all the States (exclusive of Ameri-
 5 can Samoa for periods ending before June 30, 1967); and
 6 third, apply the figure thus obtained to the total funds to be
 7 apportioned. If any State cannot utilize all funds so ap-
 8 portioned to it, or if additional funds are made available
 9 under section 3 for apportionment among the States, the Secre-
 10 tary shall make further apportionments to the remaining States
 11 in the same manner. Notwithstanding the foregoing provisions
 12 of this section, (1) for the fiscal year beginning July 1, 1962,
 13 one-half of any funds available for apportionment among
 14 the States shall be apportioned in the manner used prior
 15 to such fiscal year, and one-half of any such funds shall
 16 be apportioned in accordance with the foregoing provi-
 17 sions of this section, and (2) for the five fiscal years in the
 18 period beginning July 1, 1962, and ending June 30, 1967,
 19 the amount apportioned to American Samoa shall be \$25,000
 20 each year, which amount shall be first deducted from the
 21 funds available for apportionment in determining the
 22 amounts to be apportioned to the other States."

23 SEC. 3. (a) Section 5 of the National School Lunch Act
 24 is amended by striking out the last sentence thereof.

25 (b) Section 6 of the National School Lunch Act is

1 amended by striking out “and less the amount apportioned
2 to him pursuant to sections 4, 5, and 10” and inserting in
3 lieu thereof the following: “, less the amount apportioned by
4 him pursuant to sections 4, 5, and 10, and less the amount
5 appropriated pursuant to section 11”.

6 SEC. 4. Section 10 of the National School Lunch Act
7 is amended by striking out “the same proportion of the funds
8 as the number of children between the ages of 5 and 17,
9 inclusive, attending nonprofit private schools within the State
10 is of the total number of persons of those ages within the
11 State attending school” and inserting in lieu thereof the
12 following: “an amount which bears the same ratio to such
13 funds as the number of lunches, consisting of a combination
14 of foods and meeting the minimum requirements prescribed
15 by the Secretary pursuant to section 9, served in the preced-
16 ing fiscal year by all nonprofit private schools participating
17 in the program under this Act within the State, as deter-
18 mined by the Secretary, bears to the participation rate for
19 the State”.

20 SEC. 5. Section 11 of the National School Lunch Act
21 is redesignated as section 12 and subsection (d) thereof is
22 amended to read as follows:

23 “(d) For the purposes of this Act—

24 “(1) ‘State’ means any of the fifty States, the Dis-

1 *trict of Columbia, the Commonwealth of Puerto Rico,*
2 *the Virgin Islands, Guam, or American Samoa.*

3 “(2) ‘State educational agency’ means, as the State
4 *legislature may determine, (A) the chief State school*
5 *officer (such as the State superintendent of public instruc-*
6 *tion, commissioner of education, or similar officer), or*
7 *(B) a board of education controlling the State depart-*
8 *ment of education.*

9 “(3) ‘Nonprofit private school’ means any private
10 *school exempt from income tax under section 501(c)(3)*
11 *of the Internal Revenue Code of 1954.*

12 “(4) ‘Nonfood assistance’ means equipment used by
13 *schools in storing, preparing, or serving food for school-*
14 *children.*

15 “(5) ‘Participation rate’ for a State means a num-
16 *ber equal to the number of lunches, consisting of a com-*
17 *bination of foods and meeting the minimum requirements*
18 *prescribed by the Secretary pursuant to section 9, served*
19 *in the preceding fiscal year by schools participating in the*
20 *program under this Act in the State, as determined by*
21 *the Secretary.*

22 “(6) ‘Assistance need rate’ (A) in the case of any
23 *State having an average annual per capita income equal*
24 *to or greater than the average annual per capita income*

1 for all the States, shall be 5; and (B) in the case of any
2 State having an average annual per capita income less
3 than the average annual per capita income for all the
4 States, shall be the product of 5 and the quotient obtained
5 by dividing the average annual per capita income for all
6 the States by the average annual per capita income for
7 such State, except that such product may not exceed 9
8 for any such State. For the purposes of this paragraph
9 (i) the average annual per capita income for any State
10 and for all the States shall be determined by the Secretary
11 on the basis of the average annual per capita income for
12 each State and for all the States for the three most recent
13 years for which such data are available and certified to
14 the Secretary by the Department of Commerce; and (ii)
15 the average annual per capita income for American
16 Samoa shall be disregarded in determining the average
17 annual per capita income for all the States for periods
18 ending before July 1, 1967.

19 “(7) ‘School’ means any public or nonprofit private
20 school of high school grade or under and, with respect
21 to Puerto Rico, shall also include nonprofit child-care
22 centers certified as such by the Governor of Puerto
23 Rico.”

24 SEC. 6. The National School Lunch Act is further

1 amended by inserting immediately after section 10 thereof
2 the following new section:

3 “SPECIAL ASSISTANCE

4 “SEC. 11. There is hereby authorized to be appropriated
5 such sums as may be necessary to enable the Secretary,
6 under such terms and conditions as he deems to be in the
7 public interest, to provide special assistance to schools draw-
8 ing attendance from areas in which poor economic conditions
9 exist, for the purpose of helping such schools to meet the
10 requirements established in this Act concerning the service of
11 lunches to children unable to pay the full cost of such
12 lunches.”

13 SEC. 7. The amendments made by this Act shall take
14 effect on July 1, 1962.

87TH CONGRESS
2^D SESSION

H. R. 8962

[Report No. 1389]

A BILL

To revise the formula for apportioning cash assistance funds among the States under the National School Lunch Act, and for other purposes.

By Mr. O'HARA of Michigan

AUGUST 29, 1961

Referred to the Committee on Education and Labor

FEBRUARY 26, 1962

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

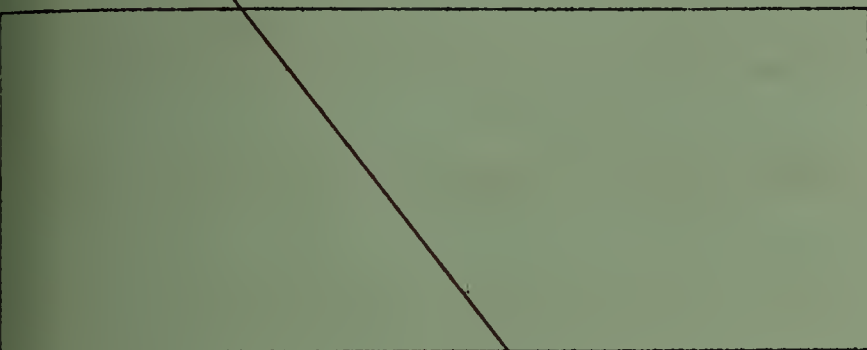
Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For information only;
should not be quoted
or cited)

Issued March 6, 1962
For actions of March 5, 1962
87th-2d, No. 31



Adjournment.....	11	Farm program.....	1,28	Latin America.....	7
Appropriations.....	42	Feed grain.....	1,12	Lobbying.....	23
Botanic garden.....	15	Foreign aid.....	8,26	Metric system.....	14
Budget.....	38	Foreign trade.....	9,19,35	Milk.....	1,28
Cheese standards.....	4	Forest roads.....	10	Monopolies.....	27
Claims.....	16	Forest Service.....	45	Outdoor recreation.....	2
Conservation.....	32	Future farmers.....	36	Peanuts.....	37
Cotton.....	33	Health benefits.....	24	Perishable commodities.....	17
Dairy program.....	20,29	Holidays.....	18	Personnel.....	16,24
Economic report.....	43	Housing.....	44	Pollution.....	40
Electrification.....	39	Land-grant colleges.....	5	Recreation facilities.....	45
Farm machinery.....	34	Lands.....	25,30	Retirement.....	24
				Safety.....	41
				School lunch.....	13
				Social security.....	24
				Soviet farm problems.....	6
				Textiles.....	21
				Turkey marketing.....	31
				Urban affairs.....	44
				Water pollution.....	22
				Water resources.....	3
				Wheat.....	46

HIGHLIGHTS: Sen. Williams, Del., criticized proposed grain program. Sen. Hruska criticized proposed farm program. Rep. Schadeberg criticized proposed dairy program.

SENATE

- FARM PROGRAM.** Sen. Williams, Del., claimed the Secretary's farm program "will result in a multibillion-dollar windfall for the grain and feed dealers." pp. 3049-50
Sen. Proxmire inserted and summarized a statement by the Pure Milk Products Cooperative favoring the Secretary's farm program with several amendments. pp. 3055-6
Sen. Hruska criticized the farm bill, claiming that it contains undesirable provisions for fines and imprisonment. pp. 3075-6
- OUTDOOR RECREATION.** Sen. Moss commended the report of the Outdoor Recreation Resources Review Commission and the recreation part of the President's conservation message. pp. 3042-3, 3045-6
- WATER RESOURCES.** A subcommittee of the Agriculture and Forestry Committee approved for full committee consideration the following watershed projects: Escondido Creek, Calif.; Upper Quaboag River, Mass.; Gering Valley, Nebr.; Gu. Neck, N. C.; Wagon Creek, Okla.; Pine Creek, Tenn.; and Leon River, Tex. p. 3155
Sen. Kuchel inserted an article, "Pros and Cons of California's Water Dispute," and his statement favoring the San Luis reservoir project. pp. 3037-9
Sen. Metcalf inserted and commended an article claiming that highway

construction is ruining many fine streams. pp. 3039-41

Passed without amendment H. R. 7855, consenting to an amendment to a compact between Louisiana and Texas regarding Sabine River waters. This bill will now be sent to the President. pp. 3047-8

4. CHEESE STANDARDS. Sen. Wiley inserted a resolution from the Wisconsin Swiss and Limburger Cheese Producers' Association favoring the establishment of standards for Muenster cheese by the Food and Drug Administration. pp. 3043-4
5. LAND-GRANT COLLEGES. Sen. Yarborough commended the land-grant colleges and inserted an article stating that they are a "powerful thrust of democracy." pp. 3071-2
6. SOVIET FARM PROBLEMS. Sen. Miller inserted and commended an article describing Soviet farm problems. pp. 3072-4
7. LATIN AMERICA. Sen. McGee spoke in favor of land reform in Latin America. p. 3076
8. FOREIGN AID. Sen. McGee inserted a statement by W. W. Rostow, of the State Department, comparing the Communist and American foreign aid programs. pp. 3077-8
9. FOREIGN TRADE. Sen. McGee inserted an analysis, by Semour Harris, of the administration's economics and trade policy. p. 3079
10. FOREST ROADS. Sen. Anderson's name was added to the cosponsors of S. 2936, to provide for a system of forest roads and trails. p. 3036
11. ADJOURNED until Thurs., Mar. 8. p. 3084

SENATE

12. FEED GRAINS. On objection of Rep. Ford, passed over H. R. 8914, to permit producers on farms on which summer fallow is a normal practice to plant barley on land devoted to summer fallow during 1961 which is diverted from wheat under the 1962 Wheat Stabilization Program provided an overall reduction of 20% is made in corn, grain sorghums, and barley. p. 3090
13. SCHOOL LUNCH. At the request of Rep. Ford, passed over H. R. 8962, to revise the formula for apportioning cash assistance funds among the States under the National School Lunch Act. p. 3093
14. METRIC SYSTEM. At the request of Rep. Gross, passed over H. R. 2049, to provide that the National Bureau of Standards shall conduct a program of investigation, research, and survey to determine the practicability of the adoption by the U. S. of the metric system of weights and measures. p. 3089
15. BOTANIC GARDEN. On objection of Rep. Ford, passed over H. R. 5628, to provide for a study and investigation of the desirability and feasibility of establishing and maintaining the National Tropical Botanic Garden. pp. 3089-90
16. PERSONNEL; CLAIMS. At the request of Rep. Gross, passed over H. R. 10357, to provide for the settlement of claims against the U. S. by members of the uniformed services and civilian employees for damage to, or loss of, personal property incident to their service. p. 3094

to cope with this sort of a problem, it can be dealt with openly and everybody knowing exactly what we are doing, pursuant to congressional authorization and appropriation of funds.

Mr. GROSS. Well, then, in the gentleman's opinion, with the enactment of this bill, we would have a man in the State Department, at the head of the security division, provided the President did not appoint another Bon-tempo; we would have a man there on whom we could rely, or have we made any change?

Mr. WALTER. Yes, I think we have made a very great change. One of the gentleman's questions is based on a false premise, that the President made the unfortunate appointment of this person who, in the judgment of most people, was not qualified.

Mr. GROSS. Well now, just a minute. Who made the appointment if the President did not?

Mr. HAYS. Mr. Speaker, I object to the consideration of the bill on the Consent Calendar.

APPOINT SECRETARIES FOR GUAM AND VIRGIN ISLANDS

The Clerk called the bill (H.R. 10063) to amend section 8 of the Organic Act of Guam and section 15 of the Revised Organic Act of the Virgin Islands, to provide for appointment of acting secretaries for such territories under certain conditions.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8 of the Organic Act of Guam (64 Stat. 384, 387; 48 U.S.C. 1422b) is amended by adding the following at the end thereof: "The Governor or Acting Governor may from time to time designate an officer or employee of the executive branch of the government of Guam to act as secretary of Guam in case of a vacancy in the office of secretary of Guam or the disability or temporary absence of the secretary of Guam or while the secretary is acting as Governor, and the person so designated shall have all the powers of the secretary so long as such condition continues, except for the power set forth in the first sentence of section 7 of this Act. No additional compensation shall be paid to any person acting as Governor or as secretary under this Act."

Sec. 2. Section 15 of the Revised Organic Act of the Virgin Islands (68 Stat. 497, 504; 48 U.S.C. 1596) is amended by adding the following at the end thereof: "The Governor or Acting Governor may from time to time designate an officer or employee of the executive department of the government of the Virgin Islands to act as government secretary for the Virgin Islands in case of a vacancy in the office of the government secretary or the disability or temporary absence of the government secretary or while said government secretary is acting as Governor, and the person so designated shall have all the powers of government secretary so long as such condition continues, except for the power set forth in section 14 of this Act. No additional compensation shall be paid to any person acting as Governor or as secretary under this Act."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PUBLICATION OF LISTS OF DEFENSE FACILITIES

The Clerk called the bill (H.R. 9753) to amend sections 3(7) and 5(b) of the Internal Security Act of 1950, relating to employment of members of Communist organizations in certain defense facilities.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Internal Security Act of 1950 is amended—

(1) by amending the second sentence of section 3(7) (50 U.S.C. 782(7)) to read as follows: "The term 'defense facility' means any facility designated by the Secretary of Defense pursuant to section 5(b) of this title and which is in compliance with the provisions of such subsection respecting the posting of notice of such designation."; and

(2) by amending section 5(b) (50 U.S.C. 784(b)) to read as follows:

"The Secretary of Defense is authorized and directed to designate facilities, as defined in paragraph (7) of section 3 of this title, with respect to the operation of which he finds and determines that the security of the United States requires the application of the provisions of subsection (a) of this section. The Secretary shall promptly notify the management of any facility so designated, whereupon such management shall immediately post conspicuously, and thereafter while so designated keep posted, notice of such designation in such form and in such place or places as to give notice thereof to all employees of, and to all applicants for employment in, such facility. Such posting shall be sufficient to give notice of such designation to any person subject thereto or affected thereby. Upon the request of the Secretary, the management of any facility so designated shall require each employee of the facility, or any part thereof, to sign a statement that he knows that the facility has, for the purposes of this Act, been designated by the Secretary under this subsection."

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That (a) the second sentence of paragraph (7) of section 3 of the Internal Security Act of 1950 (50 U.S.C. 782(7)) is amended to read as follows: "The term 'defense facility' means any facility designated by the Secretary of Defense pursuant to section 5(b) of this title and which is in compliance with the provisions of such subsection respecting the posting of notice of such designation."

"(b) Subsection (b) of section 5 of such Act (50 U.S.C. 784(b)) is amended to read as follows:

"(b) The Secretary of Defense is authorized and directed to designate facilities, as defined in paragraph (7) of section 3 of this title, with respect to the operation of which he finds and determines that the security of the United States requires the application of the provisions of subsection (a) of this section. The Secretary shall promptly notify the management of any facility so designated, whereupon such management shall immediately post conspicuously notice of such designation in such form and in such place or places as to give notice thereof to all employees of, and to all applicants for employment in, such facility. Such posting shall be sufficient to give notice of such designation to any person subject thereto or affected thereby. Upon the request of the Secretary, the management of any facility so designated shall require each employee of the facility, or any part thereof, to sign a

statement that he knows that the facility has, for the purposes of this title, been designated by the Secretary under this subsection."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDMENTS TO NATIONAL SCHOOL LUNCH ACT

The Clerk called the bill (H.R. 8962) to revise the formula for apportioning cash assistance funds among the States under the National School Lunch Act, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. FORD. Mr. Speaker, reserving the right to object, it is my intention to ask that this bill be passed over for two reasons: One, the views of the departments that are interested and concerned are not indicated in the committee report; and specifically, the departmental reports are not included in the committee report itself.

The second basic reason for objecting is that this is very comprehensive legislation. If anyone would take the time to read a small portion of the committee report, it would be very obvious that such a proposal should not be on the Consent Calendar.

Mr. Speaker, I withdraw my reservation of objection and I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

RELATING TO MENOMINEE COUNTY, WIS.

The Clerk called the bill (H.R. 10184) to amend section 130(a) of title 28, United States Code, so as to reconstitute the Eastern Judicial District of Wisconsin to include Menominee County, Wis.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. FORD. Mr. Speaker, reserving the right to object, I would like to ask a member of the Committee on the Judiciary whether this proposed change is agreed to by the Members of the House and the Members of the Senate from Wisconsin. I am not so concerned about the Department of Justice; they will take care of themselves. I am more concerned about what the Members of the House and the Senate feel about this.

Mr. FORRESTER. Mr. Speaker, if the gentleman will yield, I cannot answer that question. Of course, the gentleman knows it is a very, very simple bill. All it does is put some territory under the laws of the United States where there are no courts at the present time because it is part of an Indian reservation.

Mr. FORD. I understand fully what is being sought, but I would like to have

some assurance that the Members of the House from the State of Wisconsin and the Members of the Senate who are interested are in agreement.

Mr. FORRESTER. Well, of course, the presumption would be that they are, but I cannot answer that; I do not know.

Mr. FORD. Mr. Speaker, I withdraw my reservation of objection and ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

SETTLEMENT OF CLAIMS BY MEMBERS OF THE UNIFORMED SERVICES AND CIVILIAN EMPLOYEES OF THE UNITED STATES FOR DAMAGE TO, OR LOSS OF, PERSONAL PROPERTY INCIDENT TO THEIR SERVICE

The Clerk called the bill (H.R. 10357) to provide for the settlement of claims against the United States by members of the uniformed services and civilian officers and employees of the United States for damage to, or loss of, personal property incident to their service, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, reserving the right to object, if I correctly understand it, this bill would make standard throughout the Government payment of a maximum of \$6,500 to those who sustain a loss of property—civilian employees of the Government—is that correct?

Mr. LANE. Mr. Speaker, if the gentleman will yield, yes, sir; that is the present law. The maximum is \$6,500. The committee had before it one of the amendments offered by the military—offered by the Coast Guard, the Army, the Air Force, and the Marines—to increase the amount from \$6,500 to \$10,000. Your committee felt that that was a matter on which we should have hearings, and we have taken no action as far as that recommendation is concerned. But other recommendations offered by the military were more or less corrective legislation of our present claims law. This only seeks to extend the claims law to the other agencies of Government—a privilege now given to the military departments and to the Coast Guard.

Mr. GROSS. Let me ask the gentleman this question: This would cover losses by transportation? Say, for instance, a trucking firm was hauling a Government employee's property from Washington to St. Louis, Mo. This would cover a loss up to \$6,500 sustained by the employee; is that correct?

Mr. LANE. That is very true.

Mr. GROSS. Well, then, this bill should provide, it seems to me, a perfect opportunity to insert a provision that the transportation companies have some responsibility in the matter of the loss of property.

Mr. LANE. As I understand it, under the present regulations of the various agencies of Government they are sup-

posed to be properly covered by insurance.

Mr. GROSS. I will say to the gentleman that "supposed to be" is not quite good enough. Is there really a good answer? You had on the last Private Calendar—your committee—claims for property that was lost or destroyed in transit—Government employees' property that was lost or destroyed—and the warehouse firm or the transportation firm had no responsibility whatever. The gentleman can go back to the bills on that calendar. There ought to be some language written into this bill to provide that those who transport or warehouse personal property—the personal effects of these people—have some responsibility in the matter. Does not the gentleman from Massachusetts agree with me?

Mr. LANE. I surely do, and as I repeat again, under the present regulations of all these agencies—this came to us, as an executive communication, an endorsement by every one of those agencies of government, and also the military. It was brought out at the hearings that they do now under regulations provide for what the gentleman is seeking to correct, and they do follow that procedure. It is only in these rare cases that have been brought to our Committee on Claims that we have these particular bills that the gentleman spoke about at the last call of the Private Calendar in the House. I said at that time and repeat again, your committee is aware of some of these abuses and we at all times are looking into them and trying to take care of them as best we can, and repeat over and over again that the departments should move ahead and make sure that these warehouse and transportation companies have proper security to take care of these claims against the United States Government, if called upon for payment.

Mr. GROSS. Is this bill of an emergency nature? Could passage be delayed in the House for 2 weeks without serious injury to someone?

Mr. LANE. I do not think there is any emergency connected with it, I might say to the gentleman.

Mr. GROSS. Let me ask the gentleman this: If it is not of an emergency nature, why does not the gentleman's committee or the gentleman provide an amendment to this bill—a simple amendment—that would say to these people that they have a responsibility? Apparently it is not in the law today. I will say to the gentleman that before I vote to make this \$6,500 standard throughout the Government, I want to see some language inserted that will make transportation and warehouse companies responsible for losses of property in their sole custody.

Mr. LANE. If the gentleman will yield further, I know that the gentleman is aware that this is a similar bill that we passed in the House last year, but which failed of passage in the other body. But with reference to this bill your committee conducted hearings, and studied the wording most carefully. We had the appearances of all the military so we could iron out any flaws in the present

law. There is no particular emergency with reference to the bill; if the gentleman feels we ought to delay it for a while that will be all right.

Mr. GROSS. I only want to delay it for the period of time necessary to prepare a proper amendment to the bill. I would hope that the gentleman would accept an amendment to provide for responsibility upon the part of those who are in custody of the property being transported.

Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The SPEAKER. This concludes the call of the eligible bills on today's calendar.

WISCONSIN LOOKS AT THE DAIRY PRICE SUPPORT PROGRAM

(Mr. SCHADEBERG asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. SCHADEBERG. Mr. Speaker, 2 weeks ago I had the privilege of speaking to many farmers in my own First District, as well as to farmers in the Second and Sixth Districts of Wisconsin and from northern Illinois. I must report that the dairy farmers are not only concerned but downright upset over the proposed farm program. Never have I found so many so disturbed over what we are doing here in Washington. I want to speak out in behalf of the Wisconsin dairy farmers.

The administration's proposed dairy price support program—H.R. 10010—would, if adopted, require Congress to delegate to the executive branch a degree of control and authoritarian power that would be unprecedented for the dairy industry.

During the last year and a half the powers granted to the executive branch were unchanged from those available under the dairy price support program for more than a decade prior to that time. And what has happened?

In September 1960, a Congress controlled by the Democratic Party increased the level of dairy price supports. In March 1961, the administration made another increase. And in July 1961, the administration effected a third increase, by means of raising the purchase prices of finished dairy products acquired under the program, on the completely illogical premise that actual market prices of manufacturing milk must be equal to or higher than the support price every month in order for the annual average market price to be equal to or higher than the annual support price. Any child who has been taught arithmetic in the elementary schools of Wisconsin could readily refute such an argument.

Aided by threats of production controls, these three untimely, unwise, and unjustifiable increases in price support levels have spurred production, discouraged consumption, and led to indefensible increases in Government pur-

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For information only;
should not be quoted
or cited)

Issued March 20, 1962
For actions of March 19, 1962
87th-2d, No. 40

CONTENTS

Administrative procedure.....25	Electrification...21,31,37	Perishable commodities...18
Appropriations....22,35,42	Farm program.....3,27	Personnel.....15,45,46
Bridges.....17	Feed grains.....13	Property.....41,46
Cherry marketing.....39	Foreign trade.....5,36	REA.....21,31,37
Claims.....15	Forestry.....9	Reclamation.....4
Conservation.....19,23	Health.....33	Recreation.....29
Consumers.....2	Lands.....16	Research.....28,38
Cooperatives.....20	Livestock.....7	School lunch.....14
Dairy industry.....32,43	Loans.....8	Small business.....22
Disaster relief.....22	Marketing research.....38	Soil bank.....23
Education.....35	Meat inspection.....34	Soil research.....28
	Milk.....32,43	Sugar.....1,24
		Taxation.....10
		Textiles.....25
		Tobacco.....6
		Trade.....26
		Water compact.....40
		Water research.....28
		Water pollution.....30
		Water resources.....44
		Weights and measures....12
		Wildlife.....11

HIGHLIGHTS: House subcommittee voted to report bill for permanent Federal administration of ACP program. Sen. Carlson criticized proposed reduction in domestic sugarbeet production. House committee reported (on Mar. 16) tax revision bill.

SENATE

1. SUGAR. Sen. Carlson criticized "cutting domestic sugarbeet production by at least 10 to 12 percent, as proposed in the administration's program," and urged early enactment of "a realistic long-range Sugar Act." pp. 4116-7
2. CONSUMERS. Sen. Miller inserted two editorials critical of the President's recent message on consumers. pp. 4127-8
3. FARM PROGRAM. Sen. McCarthy inserted a series of resolutions and observations of the Land O'Lakes Creameries, Inc., relating to various aspects of agriculture and the farm program. pp. 4121-2
4. RECLAMATION. Sen. Bennett urged a speedup in the planning and construction of the central Utah and Dixie reclamation projects in Utah. pp. 4117-20
5. FOREIGN TRADE. Sen. Humphrey commended and urged early consideration of the President's foreign trade proposals and inserted an article stating that Minn.

farmers supplied the U. S. export market with products worth \$163,700,000 in 1960 and 1961. pp. 4129-31

6. TOBACCO. Sen. Neuberger spoke in favor of her resolution providing for the President to create "a Commission on Tobacco and Health, and also to initiate a massive public information program on the hazards of cigarette smoking with particular emphasis on the relationship between smoking and lung cancer." pp. 4141-2

HOUSE

7. LIVESTOCK. The Subcommittee on Livestock and Feed Grains of the Agriculture Committee voted to report to the full committee with amendments S. 860, to provide greater protection against the introduction and dissemination of diseases of livestock and poultry. p. D187
8. LOANS. The Merchant Marine and Fisheries Committee reported with amendments H. R. 7336, to authorize the Secretary of the Interior to make loans to certain producers of oysters (H. Rept. 1449). p. 4107
The "Daily Digest" states that the Subcommittee on Conservation and Credit of the Agriculture Committee "ordered reported favorably to the full committee H. R. 946 (amended), to extend to oyster planters the benefits of the provision of the present law which provide for production disaster loans for farmers and stockmen." p. D137
9. FORESTRY. At the request of Rep. Rutherford, passed over without prejudice H. R. 9822, to provide that lands within a national forest acquired under section 3 of the act of June 23, 1934, as amended (43 U.S.C. 315g), may be added to the national forest. p. 4073
10. TAXATION. On March 16, during adjournment, the Ways and Means Committee reported without amendment H. R. 10650, to amend the Internal Revenue Code of 1954 to provide a credit for investment in certain depreciable property, to eliminate certain defects and inequities (H. Rept. 1447). p. 4107
11. WILDLIFE. The Merchant Marine and Fisheries Committee reported with amendments H. J. Res. 489, to provide protection for the golden eagle (H. Rept. 1459). p. 4107
12. WEIGHTS AND MEASURES. At the request of Rep. Gross, passed over without prejudice H. R. 2049, to provide that the National Bureau of Standards shall conduct a program of investigation, research, and survey to determine the practicability of the adoption by the U. S. of the metric system of weights and measures. p. 4043
13. FEED GRAINS. On objection of Reps. Ford, Pelly, and Curtis, Mo., passed over H. R. 8914, to permit producers on farms on which summer fallow is a normal practice to plant barley on land devoted to summer fallow during 1961 which is diverted from wheat under the 1962 Wheat Stabilization Program provided an overall reduction of 20% is made in corn, grain sorghums, and barley. p. 4043
14. SCHOOL LUNCH PROGRAM. At the request of Rep. Ford, passed over without prejudice H. R. 8962, to revise the formula for apportioning cash assistance funds among the States under the National School Lunch Act. p. 4044



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 87th CONGRESS, SECOND SESSION

Vol. 108

WASHINGTON, MONDAY, MARCH 19, 1962

No. 40

House of Representatives

The House met at 12 o'clock noon.

The Reverend Roy Pfautch, assistant to the president of Princeton Theological Seminary, Princeton, N.J., offered the following prayer:

In the name of the Father, the Son, and the Holy Spirit, one God blessed forever. Amen.

Almighty God, Thou hast made us for Thyself and our rest, purpose, and end are in Thee. Forgive us for the pride in our own works which confuses Thy purpose for us. In Thy love, bless the Members of this Chamber. Let them know themselves in Thee: their talents, skills, and wisdom. So knowing, give them vision and strength to order their lives in Thy light, to the end that this Nation, conceived in Thy love, might prosper to its own welfare and to the cause of peace on earth and good will among all men. Give Thy grace to these whom Thou hast endowed for leadership that they might humbly guide our country with a heart, a mind, a being that cries "Thy will be done." In so doing, grant that our people and these Representatives might mark their days with progress and endeavor in their common pilgrimage to and for Thee through Jesus the Christ, who has given us light that we might see and live. Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, March 15, 1962, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. McGown, one of its clerks, announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 61. Concurrent resolution requesting the President to designate the week of March 25, 1962, as Voluntary Overseas Aid Week.

The message also announced that the Vice President had reappointed Mr. ERVIN, Mr. MUNDT, and Mr. MUSKIE as

members on the part of the Senate of the Commission on Intergovernmental Relations, authorized by Public Law 380, 86th Congress.

HOUSE BILL ENROLLED

Mr. BURLESON, from the Committee on House Administration, announced that that committee had, on March 15, 1962, examined and found truly enrolled a bill of the House of the following title:

H.R. 8723. An act to amend the Welfare and Pension Plans Disclosure Act with respect to the method of enforcement and to provide certain additional sanctions, and for other purposes.

ENROLLED BILL SIGNED

The SPEAKER. The Chair desires to announce that pursuant to the authority granted him on Thursday, March 15, 1962, he did on March 16, 1962, sign the following enrolled bill of the House:

H.R. 8723. An act to amend the Welfare and Pension Plans Disclosure Act with respect to the method of enforcement and to provide certain additional sanctions, and for other purposes.

CONSENT CALENDAR

The SPEAKER. This is Consent Calendar Day. The Clerk will call the first bill on the Consent Calendar.

METRIC SYSTEM OF WEIGHTS AND MEASURES

The Clerk called the bill (H.R. 2049) to provide that the National Bureau of Standards shall conduct a program of investigation, research, and survey to determine the practicability of the adoption by the United States of the metric system of weights and measures.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

PARTICIPATION IN 1962 FEED GRAIN PROGRAM

The Clerk called the bill (H.R. 8914) to amend subsection (d) of section 16 of the Soil Conservation and Domestic Allotment Act, as amended.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. FORD. Reserving the right to object, Mr. Speaker, it was my impression that on the last call of the Consent Calendar we had obtained a sufficient number of objectors to remove this proposal from the Consent Calendar.

The SPEAKER. The Chair will state that at the last call of the Consent Calendar on this particular bill only one objection was required. At this time it requires three objections.

Mr. FORD. I withdraw my reservation of objection, Mr. Speaker, and object to the consideration of the bill.

Mr. PELLY. I object, Mr. Speaker.

Mr. CURTIS of Missouri. I object, Mr. Speaker.

Under the rule, the bill was stricken from the Consent Calendar.

PRINCE GEORGES COUNTY SCHOOL BOARD, MARYLAND

The Clerk called the bill (H.R. 6759) for the relief of the Prince Georges County School Board, Maryland.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

COMMITTING JUVENILE DELINQUENTS FOR OBSERVATION AND STUDY

The Clerk called the bill (S. 1691) to provide that any juvenile who has been determined delinquent by a district court of the United States may be committed by the court to the custody of the Attorney General for observation and study.

There being no objection, the Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5034 of title 18 of the United States Code is amended by adding immediately after the third paragraph thereof the following new paragraph:

"If the court desires more detailed information as a basis for determining whether to place any juvenile delinquent on probation or to commit him to the custody of the Attorney General under the first paragraph of this section, the court may commit such delinquent to the custody of the Attorney General for observation and study at an appropriate classification center or agency. The Director of the Bureau of Prisons, under such regulations as the Attorney General may prescribe, shall, after the delinquent has been so committed, cause a complete study to be made of the delinquent, including a mental and physical examination, to ascertain his personal traits, his capabilities, pertinent circumstances of his social background, any previous delinquency or criminal experience, any mental or physical defect or other factor contributing to his delinquency, and any other factors which the Director may consider pertinent. A full and complete report of the results of such study, together with any recommendations which the Director believes would be helpful to the court in making its determination, shall be furnished to the court by the Director within sixty days after the date such delinquent is ordered committed to the custody of the Attorney General under this paragraph unless the court grants additional time for further study. No delinquent shall be committed under this paragraph for a period exceeding his minority or the term which might have been imposed had he been tried and convicted of the alleged violation for which he was determined delinquent, whichever occurs first."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDMENTS TO NATIONAL SCHOOL LUNCH ACT

The Clerk called the bill (H.R. 8962) to revise the formula for apportioning cash assistance funds among the States under the National School Lunch Act, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. FORD. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

Mr. BAILEY. Reserving the right to object, Mr. Speaker, will the gentleman, if he finds objection to the bill, consider proceeding with the consideration of the bill and state his objections, which perhaps can be answered and the bill can be cleared?

Mr. FORD. A very casual reading of this proposal, and I have done much more than that, indicates it does not qualify for consideration on the Consent Calendar, based on the dollar limitation. We have certain rules on the Consent Calendar, agreed to by both Democratic and Republican Members. Under those criteria this bill does not qualify.

Mr. BAILEY. If the gentleman makes a point that it exceeds the amount of

money involved, may I say that it was unanimously reported by the committee and most of the organizations concerned are unanimously in support of it.

Mr. FORD. My only objection is that it does not qualify under the criteria established by the objectors. The bill undoubtedly has considerable merit, but it does not qualify under our rules.

Mr. BAILEY. I thank the gentleman.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

INCLUSION OF MENOMINEE COUNTY IN EASTERN JUDICIAL DISTRICT OF WISCONSIN

The Clerk called the bill (H.R. 10184) to amend section 130(a) of title 28, United States Code, so as to reconstitute the Eastern Judicial District of Wisconsin to include Menominee County, Wis.

There being no objection, the Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 130 of title 28, United States Code, is amended to read as follows:

"(a) The Eastern District comprises the counties of Brown, Calumet, Dodge, Door, Florence, Fond du Lac, Forest, Green Lake, Kenosha, Kewaunee, Langlade, Manitowoc, Marinette, Marquette, Menominee, Milwaukee, Oconto, Outagamie, Ozaukee, Racine, Shawano, Sheboygan, Walworth, Washington, Waushara, Waupaca, Waushara, and Winnebago.

"Court for the Eastern District shall be held at Green Bay, Milwaukee, and Oshkosh."

With the following committee amendment:

On page 2, line 3, strike the word "Easter" and insert in lieu thereof the word "Eastern."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SETTLEMENT OF CERTAIN CLAIMS

The Clerk called the bill (H.R. 10357) to provide for the settlement of claims against the United States by members of the uniformed services and civilian officers and employees of the United States for damage to, or loss of, personal property incident to their service, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Reserving the right to object, Mr. Speaker, during the past week I discussed this bill with members of the staff of the Committee on the Judiciary in the hope we might work out an amendment to the bill, but apparently that is impossible at this time. I understand that the committee has been in communication with various agencies which will be affected by this proposal, and it would be my hope that it may be possible to insert in the RECORD in connection with the passage of this bill the information that has been obtained from the various agencies.

Mr. LIBONATI. Mr. Speaker, the following communications contain the factual data explaining the purpose of this legislation:

DEPARTMENT OF THE NAVY,
OFFICE OF THE SECRETARY,
Washington, D.C., March 9, 1962.

Mr. WILLIAM P. SHATTUCK,
Committee on the Judiciary Staff, House of Representatives, Washington, D.C.

DEAR MR. SHATTUCK: The procedures used within the Department of Defense for the transportation of household effects hinges upon rulings of the Interstate Commerce Commission and decisions of the Comptroller General. In the Department of Defense the Defense Tariff Management Service is in charge of carrying out these procedures.

After passage of the Motor Carrier Act of 1935, various rulings were promulgated in the public interest by the Interstate Commerce Commission to assist in the protection of what was then an infant industry, namely, the carriage of household effects by motor carrier. The ruling which is persuasive in the case of the Department of Defense is MC 19 which requires only a 30-cent liability per pound/per article in the case of uncrated household goods. It is to be emphasized that this ruling applies only to household effects and not to other types of freight.

In a decision by the Comptroller General B-138736 (38 CompGen 768) it was held in 1959 that the Government should take advantage of favorable rates based upon limited liability (excerpts attached).

The Department of Defense has not required any greater liability than that under the rule making proceedings of the Interstate Commerce Commission. At one time the carriers made competitive offers of reducing their liability (for example, 10 cents per pound/per article) as a device to reduce the carriage rate. When this occurred the Department of Defense decided to adhere to the 30-cent minima contained in MC 19; otherwise, it was believed, there might be a tendency for the carrier to become careless in the handling of household effects. Conversely, the carriers have also made an effort to capture an increased share of the Department of Defense traffic by offering to raise their liability on a pound/per article basis, even to the extent of offering full coverage up to \$6,500. The Department of Defense again decided to adhere to the 30-cent minima in line with MC 19 because the offers made by the carriers contained many built-in exclusions not normally found in the carrier business. It is also to be noted that it would tend to conflict with the CompGen decision cited above. Further, the raising or lowering of the liability would not have been in keeping with the Interstate Commerce Commission MC 19 ruling.

Eligibility of a carrier for Department of Defense business is determined by the carrier submitting a "tender of service." This is a statement by the carrier that he will abide by the standards established by the Department of Defense which are considerably higher than those applicable to an ordinary household effects shipment. If the carrier is considered qualified by the Defense Traffic Management Service he becomes eligible to carry household effects of Department of Defense personnel. As long as he continues to abide by Department of Defense standards he remains eligible; failure to process claims promptly is one of the grounds for his suspension and resulting loss of traffic.

Whenever a carrier is suspended for any reason (e.g., overweights), he is suspended until such time as he satisfactorily establishes that he will adhere to the Department of Defense standards. Notification of such suspension is made to any parent national

HOUSE

17. APPROPRIATIONS. The Appropriations Committee reported (on Mar. 30) H. R. 11038, the second supplemental appropriation bill, 1962 (H. Rept. 1548), which includes items for ARS, AMS, and Forest Service (see table at end of this Digest for a summary of these items). The bill also includes \$25,000,000 for disaster relief assistance to States and local governments, \$17,000,000 for U. S. participation in the New York World's Fair, \$18,000 for salaries and expenses of the Delaware River Basin Commission, \$5,000,000 additional capital for the GSA general supply fund to provide for increased sales, and \$85,000,000 increased capital for the revolving fund of the Small Business Administration. Conferees were appointed on H. R. 10526, the Treasury-Post Office Department and Executive Office of the President appropriation bill (p. 5060). Senate conferees have already been appointed.
- Received from the President an amendment to the budget for 1963 involving an increase of \$6 million for the civil functions of the Department of the Army (H. Doc. 378). p. 5160
- Received from the President amendments to the budget for 1963 involving a net decrease of \$265,000 for civil functions of the Corps of Engineers, Department of the Army (H. Doc. 379). p. 5160
18. FARM PROGRAM. The "Daily Digest" states that the Subcommittee on Dairy and Poultry of the Agriculture Committee "ordered reported favorably to the full committee title III /on marketing orders/ (amended), of H. R. 10010, the general farm bill. Also ordered reported subtitle C /on dairy/ (amended), of title IV, without recommendation." p. D235
19. LIVESTOCK DISEASES. Passed under suspension of the rules S. 860, to grant the Secretary of Agriculture additional authority to provide greater protection against the introduction and dissemination of diseases of livestock and poultry. pp. 5121-4
20. PERISHABLE COMMODITIES. Passed under suspension of the rules S. 1037, to amend the provisions of the Perishable Agricultural Commodities Act regarding fees, oral hearings, and relicensing. pp. 5124-6
21. SCHOOL LUNCH PROGRAM. At the request of Rep. Ford, passed over without prejudice H. R. 8962, to revise the formula for apportioning cash assistance funds among the States under the National School Lunch Act. p. 5061
22. FORESTRY. Passed with an amendment H. R. 9822, to provide that lands within a national forest acquired under section 8 of the Act of June 28, 1934, as amended (43 U.S.C. 315g), may be added to the national forest. p. 5061
23. WILDLIFE. Passed as reported H. J. Res. 489, to provide protection for the golden eagle. pp. 5062-6
24. HONEYBEES. Passed without amendment H. R. 8050, to prohibit the importation of all honeybees of the genus *Apis* in the adult stage except for research purposes by this Department or as the Secretary shall determine. p. 5078
25. WEIGHTS AND MEASURES. At the request of Rep. Gross, passed over without prejudice H. R. 2049, to provide that the National Bureau of Standards shall conduct a program of investigation, research, and survey to determine the practicability of the adoption by the U. S. of the metric system of weights and measures. p. 5061

26. LOANS. Passed as reported H. R. 946, to extend to oyster planters the benefits of the provisions of the present law which provides for production disaster loans for farmers and stockmen. pp. 5078-9
27. FOREIGN TRADE. On objection of Rep. Curtis, Mo., passed over H. R. 10788, to amend section 204 of the Agricultural Act of 1956 to authorize the President to extend import-export controls to non-participants in multilateral cotton textile agreements. pp. 5079-80
28. RESEARCH. At the request of Rep. Ford, passed over without prejudice H. R. 6984, to provide for a method of payment of indirect costs of research and development contracted by the Federal Government at universities, colleges, and other educational institutions. pp. 5080-1
29. BUDGETING. Passed without amendment H. R. 10613, to repeal subsection (d) of section 16 of the Administrative Expenses Act of 1946 which requires detailed budget estimates for appropriations to be used for purchzse or hire of passenger motor vehicles or for purchase, maintenance, or operation of aircraft. p. 5081
30. PERSONNEL; TRANSPORTATION. Passed without amendment H. R. 10652, to provide a more reasonable allowance for transportation of house trailers or mobile dwellings by certain governmental officers and employees upon their transfer from one official station to another. p. 5081
31. BANKING. By a vote of 255 to 94, passed under suspension of the rules H. R. 10162, to amend the Bretton Woods Agreements Act to authorize the U. S. to participate in loans to the International Monetary Fund to strengthen the international monetary system. pp. 5086-99
32. RECREATION. Passed under suspension of the rules H. R. 1171, to increase the public benefits from the national fish and wildlife conservation areas through their incidental or secondary use for public recreation. pp. 5099-102
33. TERRITORIES. Passed under suspension of the rules H. R. 10062, to extend the application of certain laws to American Samoa including extension of the provisions of the National School Lunch Act to Samoa, and authorizing the head of any Federal department to extend to American Samoa, without reimbursement, such scientific, technical, and other assistance under any program which it administers as, in the judgment of the Governor, will promote the welfare of American Samoa (pp. 5127-8). The committee report includes the following statement regarding costs: "The bill provides for no increase in authorized appropriations. The amount of aid which may be requested under section 1 of the bill is limited to \$150,000 a year ... Other items in the bill will be charged to regular departmental appropriations as need occurs."
34. EDUCATION. The Education and Labor Committee reported without amendment H. R. 10896, the proposed Adult Basic Education Act of 1962 (H. Rept. 1551). p. 5161

ITEMS IN APPENDIX

35. FOREIGN CURRENCIES. Extension of remarks of Rep. Findley stating that "an \$86 million assist to the U. S. gold problem is possible as the result of new Public Law 480 agreements which utilize a new feature of the law." pp. A2509-10

SURVEY TO DETERMINE PRACTICABILITY OF ADOPTION BY UNITED STATES OF METRIC SYSTEM OF WEIGHTS AND MEASURES

The Clerk called the bill (H.R. 2049) to provide that the National Bureau of Standards shall conduct a program of investigation, research, and survey to determine the practicability of the adoption by the United States of the metric system of weights and measures.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

PRINCE GEORGES COUNTY SCHOOL BOARD, MARYLAND

The Clerk called the bill (H.R. 6759) for the relief of the Prince Georges County School Board, Maryland.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

REVISING FORMULA FOR APPORTIONING CASH ASSISTANCE FUNDS AMONG STATES UNDER NATIONAL SCHOOL LUNCH ACT

The Clerk called the bill (H.R. 8962) to revise the formula for apportioning cash assistance funds among the States under the National School Lunch Act, and for other purposes.

Mr. FORD. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

NATIONAL FOREST

The Clerk called the bill (H.R. 9822) to provide that lands within the exterior boundaries of a national forest acquired under section 8 of the act of June 28, 1934, as amended (43 U.S.C. 315g), may be added to the national forest.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provisions of law, lands heretofore or hereafter acquired under section 8 of the Act of June 28, 1934 (48 Stat. 1272), as amended (43 U.S.C. 315g), which are within the exterior boundaries of a national forest and which are determined by the Secretary of Agriculture to be suitable for administration as a part of the national forest may be set apart and reserved by the Secretary of the Interior by public land order as a part of such national forest. Lands so set apart and reserved shall be subject to the laws, rules, and regulations applicable to lands set apart and reserved from the public domain within such national forest.

Mr. ASPINALL. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ASPINALL: On page 1, line 3, after the word "That" strike out the words "notwithstanding any other provisions of law".

The SPEAKER. The gentleman from Colorado is recognized.

Mr. FORD. Mr. Speaker, will the gentleman yield?

Mr. ASPINALL. I am glad to yield to my colleague.

Mr. FORD. What is the intent and purpose of this amendment?

Mr. ASPINALL. It was pointed out by our colleague, the gentleman from New Mexico [Mr. MORRIS], that there was an implication if the language was left in the bill that there might be some effect relative to oil and gas leasing on public lands. We have no intention to upset established procedures in oil and gas matters. The Department has suggested that the amendment would meet with their approval, accordingly the amendment is being offered at this time.

Mr. FORD. Does this meet with the agreement of the minority as well as the majority?

Mr. ASPINALL. The gentleman is correct. The gentleman from Pennsylvania is present, if he wishes to state otherwise.

The SPEAKER. The question is on the amendment offered by the gentleman from Colorado [Mr. ASPINALL].

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GRANTING CONSTRUCTIVE SERVICE TO MEMBERS OF THE COAST GUARD WOMEN'S RESERVE

The Clerk called the bill (H.R. 4783) to grant constructive service to members of the Coast Guard Women's Reserve for the period from July 25, 1947, to November 1, 1949.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person who was a member of the Coast Guard Women's Reserve and who served on active duty therein for at least one year prior to July 25, 1947; who was separated therefrom under honorable conditions; and who also had membership therein for any period between November 1, 1949, and July 1, 1956, shall be deemed to have served on inactive duty with the Coast Guard Women's Reserve from July 25, 1947, to November 1, 1949, in the grade or rating satisfactorily held on active duty prior to July 25, 1947.

SEC. 2. Creditable constructive service for a person qualified under section 1 hereof shall be applied when providing retirement benefits under the Army and Air Force Vitalization and Retirement Equalization Act of 1948, as amended, or any other Act under which the individual may be entitled to retirement from the Armed Forces.

SEC. 3. Additional pay accruing to any person by virtue of increased creditable service resulting from the inclusion of constructive service creditable by application of section 1 hereof shall not be made for active or inactive duty for which pay is authorized by competent authority which is performed

prior to the first day of the calendar quarter next succeeding the calendar quarter in which this Act becomes effective.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PROMOTING THE PRODUCTION OF OYSTERS BY PROPAGATION OF DISEASE-RESISTANT STRAINS

The Clerk called the bill (H.R. 7336) to authorize the Secretary of the Interior to make loans to certain producers of oysters, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress finds that in certain areas of the United States the oyster industry is threatened with extinction because of the excessive mortality of oysters in such area from an undetermined cause. It is the purpose of this Act to provide supplementary financial assistance to producers of oysters in any area of the United States in which the economic stability of the oyster industry is endangered by the excessive mortality of oysters, and to develop an immune strain of oysters to such excessive mortality.

SEC. 2. The Secretary of the Interior (hereafter in this Act referred to as "the Secretary") is authorized to make loans to producers of oysters in any area or region of the United States where he finds that the excessive mortality of oysters has caused a need for credit among such producers which is not readily available from responsible private sources or from public sources on reasonable terms, for the purpose of affording such producers a reasonable opportunity to work out their difficulties. Such loans shall be made at such rate of interest, not to exceed 3 per centum per annum, and on such general terms and conditions as the Secretary shall prescribe for such area or region.

SEC. 3. Any loan made under this Act may be made for such period of time as may reasonably be required by the needs of the borrower and shall be secured by the personal obligation and available security of the borrower concerned. In the case of loans to corporations or other business organizations, any such loan shall be secured by the personal obligation and available security of each person holding as much as 10 per centum of the stock or other interest in such corporation or organization.

SEC. 4. In any case in which the Secretary determines, with respect to any area or region of the United States, that the excessive mortality of oysters presents an immediate and substantial threat to the economic stability of the oyster industry in such area or region which cannot be eliminated solely by the making of loans under this Act, he is authorized to acquire oyster brood stock which in the opinion of the Secretary possesses some resistance to the casualties agent of such excessive mortality, and furnish to the producers of oysters in such area or region resultant seed oysters for the propagation of oysters which, in the opinion of the Secretary, will not be subject to such excessive mortality: *Provided,* That the Secretary's authority to purchase oyster brood stock shall be conditional upon the participating States paying one-third of the cost of such stock made available to oyster producers within the States. Such seed oysters shall be furnished by the Secretary on such general terms and conditions as he may deem appropriate to carry out the provisions of this Act.

SEC. 5. The aggregate sums loaned under this Act in any fiscal year shall not exceed \$3,000,000.

With the following committee amendment:

Strike out all after the enacting clause, and insert in lieu thereof the following: "The Secretary of the Interior is authorized with respect to those States where he finds that excessive mortality of oysters presents an immediate and substantial threat to the economic stability of the oyster industry in such area or region, to acquire oyster brood stock that he believes possesses resistance to the causative agent of such excessive mortality. The Secretary may thereafter transfer such brood stock to the particular States involved for planting in spawning sanctuaries and protection of such State or States. Distribution of the resultant seed oysters by the States shall be in accordance with plans and procedures that are mutually acceptable to the Secretary and the cooperating States: *Provided*, That the purchase of oyster brood stock hereunder by the Secretary shall be conditional upon the participating State or States, in each instance, paying one-third of the cost of such brood stock. The Secretary of the Interior is authorized to cooperate with the States in any manner necessary to accomplish the purposes of this Act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended so as to read:

"A bill to promote the production of oysters by propagation of disease-resistant strains, and for other purposes."

PROVIDING PROTECTION FOR THE GOLDEN EAGLE

The Clerk called the resolution (H.J. Res. 489) to provide protection for the golden eagle.

There being no objection, the Clerk read the resolution, as follows:

Whereas the population of the golden eagle has declined at such an alarming rate that it is now threatened with extinction; and

Whereas the golden eagle should be preserved because of its value to agriculture in the control of rodents; and

Whereas protection of the golden eagle will afford greater protection for the bald eagle, the national symbol of the United States of America, because the bald eagle is often killed by persons mistaking it for the golden eagle: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the Act entitled "An Act for the protection of the bald eagle", approved June 8, 1940 (54 Stat. 250; 16 U.S.C. 668), is amended by inserting immediately after the words "American eagle" the words "or any golden eagle".

SEC. 2. Section of such Act is amended by inserting immediately after the words "bald eagle" the words "or the golden eagle".

With the following committee amendment:

Strike out all after the resolving clause and insert in lieu thereof the following: "Whoever, within the United States or any place subject to the jurisdiction thereof, without being permitted to do so as herein-after provided, shall take, possess, sell, purchase, barter, offer to sell, purchase or barter, transport, export or import, at any time or in

any manner, any bald eagle commonly known as the American eagle, or any golden eagle, alive or dead, or any part, nest, or egg of the foregoing eagles, shall be fined not more than \$500 or imprisoned not more than six months, or both: *Provided*, That nothing herein shall be construed to prohibit possession or transportation of any bald eagle, alive or dead, or any part, nest, or egg thereof, lawfully taken prior to June 8, 1940, and that nothing herein shall be construed to prohibit possession or transportation of any golden eagle, alive or dead, or any part, nest, or egg thereof, lawfully taken prior to the addition to this Act of the provisions relating to preservation of the golden eagle.

SEC. 2. Whenever, after investigation, the Secretary of the Interior shall determine that it is compatible with the preservation of the bald eagle, or the golden eagle to permit the taking, possession, and transportation of specimens thereof for the scientific or exhibition purposes of public museums, scientific societies, and zoological parks, or for the religious purposes of Indian tribes, or that it is necessary to permit the taking of such eagles for the protection of wildlife or of agricultural or other interests in any particular locality, he may authorize the taking of such eagles pursuant to regulations which he is hereby authorized to prescribe: *Provided*, That bald eagles may not be taken for any purpose unless, prior to such taking, a permit to do so is procured from the Secretary of the Interior.

The committee amendment is agreed to.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. CONTE. Mr. Speaker, today this great body has approved a very worthwhile measure which goes far toward extending legal protection against the useless slaughter of two majestic specimens of our Nation's wildlife—the bald eagle and the golden eagle.

The bald eagle was designated by our Founding Fathers as an official symbol of our country and is displayed today, among other places, on the great seal of the United States. The bald eagle has, however, been rapidly disappearing over the years. As a result, the Congress, in 1940, approved a measure against the capture and killing of bald eagles without special permission from the Secretary of the Interior.

Since that time there has been growing concern that this protection of the bald eagle was inadequate primarily because of one of those unexplainable quirks of nature—the similarity of species. Until the 4th year of its life when it develops its characteristic white feathers, the bald eagle so closely resembles its brother, the golden eagle, that only trained ornithologists can distinguish between them. Those who would kill the golden eagle for profit or for protection against its alleged predation on wildlife and the young of herds either intentionally or inadvertently often kill some of our dwindling supply of bald eagles as well. New documentation of this fact has been presented in just the past few days. Out in New Mexico, where eagles are hunted for commercial purposes, two men were apprehended early in March for the illegal possession of 5 complete skins of bald eagles and 1 dozen separate bald eagle tails. They

were fined \$100 each under the Bald Eagle Act of 1940. The bill before the House today further stops this needless and harmful slaughter of eagles.

It also provides more that satisfactory protection for agricultural and other interests who claim that the golden eagle is sometimes a predator. Expressly delineated in this bill are provisions for the Secretary of Interior to establish regulations under which the golden eagle may be taken. So I am most satisfied that this measure is a good and a fair one to all concerned.

Having introduced a bill, House Joint Resolution 479, similar to the one considered today, I am most pleased to have played a role in its successful passage.

Mr. GOODLING. Mr. Speaker, House Joint Resolution 489 and identical bills are designed to conserve two of our most interesting species of wildlife—species whose numbers are declining at an alarming rate. The likeness of one of these, the bald eagle, was chosen by the Second Continental Congress in 1782 to symbolize the strength and freedom of our Nation. That likeness graces the great seal of the United States.

The other is an equally majestic creature the golden eagle. Unlike the bald eagle which is indigenous only to our continent, the range of the golden eagle extends into Mexico and over much of the Eastern Hemisphere.

The title of the legislation we are considering states clearly that the fate of both species is dependent upon protection for the other.

The feeding habits of the two species are not similar. The bald eagle feeds mostly on fish and carrion while the golden's fare is carrion, rabbits, and rodents. Scientists have long since exterminated both species. Neither is responsible for serious depredations on domestic livestock, game, or fish. Authentic testimony indicates golden eagles have been observed hunting jackrabbits, gophers, and rodents among flocks of sheep without molesting a lamb. It has long since been conceded that the golden eagle and the bald eagle play an important role in the balance of nature.

Because it is our national bird, the great decline in numbers of the bald eagle received public attention first. In 1940 Congress, in its wisdom, gave it complete protection except for very limited control under special permit by the Secretary of the Interior.

The legislation helped but the decline in numbers continued. That is a partial reason for this legislation we are considering today.

Protection for the golden eagle is nonexistent in at least eight States and in some others only token protection is given.

The need for this legislation can be rather simply stated. The trained ornithologist has great difficulty in distinguishing golden from immature bald eagles. This similarity exists until the bald eagle is in its fourth year. As a result, great numbers of each are shot. The decline in numbers is alarming. A recent survey by the National Audubon Society indicates the entire population of bald eagles in the United States is less than 5,000.

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For information only;
should not be quoted
or cited)

Issued April 17, 1962
For actions of April 16, 1962
87th-2d, No. 58

CONTENTS

Acreage allotments.....11	Dairy industry.....27	Libraries.....23
Appropriations.....1,10	Electrification.....8,29	Life insurance.....4
Area redevelopment...17,24	Farm program.....9,41	Manpower development....10
ASCS.....38	Food for peace.....25	Metric system.....6
Audit reports.....7,8	Foreign trade..14,19,22,37	Minerals.....39
Beef imports.....14	Forestry.....18	Organization.....30
Buildings.....15	Grain storage.....16	Peace Corps.....32
Claims.....10	Health benefits.....35	Personnel.....4,10,12,35
Consumers.....21	Investigation.....38	Prices.....33
Cooperatives.....29	Lands.....39,40	Public works.....24
Cotton.....11,20	Legislative program....20	Purchasing.....3
		Reclamation.....8
		Research.....2
		Retirement.....35
		Rice.....34
		Roads.....13,18
		School lunch.....5,34
		Tariff.....20
		Tomatoes.....31
		Transportation.....7
		TVA.....8
		Wheat.....26
		Youth conservation...28,36

HIGHLIGHTS: Senate committee voted to report (on Apr. 13) farm bill. Senate passed supplemental appropriation bill. House committee reported (on Apr. 13) Defense Department appropriation bill.

HOUSE

1. APPROPRIATIONS. The Appropriations Committee reported on Apr. 13, during adjournment of the House, H. R. 11289, making appropriations for the Department of Defense for fiscal year 1963 (H. Rept. 1607). p. 6215
Received from the President amendments to the budget for 1963 involving a net decrease of \$2,400,000 for the Department of the Interior (H. Doc. 388). p. 6215
2. RESEARCH. Passed without amendment H. R. 6984, to provide for a method of payment of indirect costs of research and development contracted by the Federal Government at universities, colleges, and other educational institutions. p. 6150
3. PURCHASING. By a vote of 163 to 46, passed under suspension of the rules H. R. 10786, to establish standards for hours of work and overtime pay of laborers and mechanics employed on work done under contract for or with the financial aid of, the U. S., for any territory, or for D. C. pp. 6166-73

4. PERSONNEL. The Post Office and Civil Service Committee reported with amendments H. R. 8564, to amend the Federal Employees' Group Life Insurance Act of 1954 to provide for escheat of amounts of insurance to the insurance fund under such act in the absence of any claim for payment (H. Rept. 1610). p. 6215
5. SCHOOL LUNCH. At the request of Rep. Ford, passed over without prejudice H. R. 8962, to revise the formula for apportioning cash assistance funds among the States under the National School Lunch Act. p. 6150
6. METRIC SYSTEM. On objection of Rep. Gross, passed over H. R. 2049, to provide that the National Bureau of Standards shall conduct a program of investigation, research, and survey to determine the practicability of the adoption by the U. S. of the metric system of weights and measures. p. 6150
7. TRANSPORTATION. Received from the Comptroller General a report on the audit of the St. Lawrence Seaway Development Corporation (H. Doc. 389). p. 6215
8. RECLAMATION. Both Houses received from the Comptroller General a report on the audit of the Tennessee Valley Authority (H. Doc. 390). pp. 6215, 6047

SENATE

9. FARM PROGRAM. The "Daily Digest" states that the Agriculture and Forestry Committee, on Apr. 13, "ordered favorably report with amendments S. 2786, proposed Food and Agriculture Act of 1962. A summary of the bill, as approved by the committee, is as follows:

Land Use Adjustment

- "1. Permanent extension of the agricultural conservation program on a national basis.
- "2. Payments to producers under the Soil Conservation and Domestic Allotment Act under long-term agreements (not to exceed 15 years) to conserve and develop soil, water, forest, wildlife, and recreation resources. Total payments are restricted to \$10 million annually.
- "3. Development of more economic use of lands, fish and wildlife projects, and assistance to local public authorities to provide public recreation under the Bankhead-Jones Farm Tenant Act.
- "4. Loans under the Bankhead-Jones Act to State and Local public agencies to carry out plans of land conservation and land utilization, such loans to be repaid in 30 years.
- "5. Payment of half the cost of fish, wildlife, and recreation improvements involving land, easements, rights-of-way, and minimum basic facilities under the Watershed Act.
- "6. Farmers Home Administration loans for recreation facilities."

Public Law 480

- "1. Authorize long-term supply contracts with private trade.
- "2. Make permissive rather than mandatory the authority to make agreements with other exporting nations to participate in long-term supply programs."

Feed Grain Program

- "Extends for 1 year (through 1963) the special feed grain program."

years has worked staunchly for the ideals which free men everywhere live by.

Operating from a firm foundation based on the principles of nonintervention, disapproval of territorial conquest by forceful means, legal equality, and collective defense, the Pan American Union—in its present form as the Organization of American States—stands as the uniting force in the American Republics for common progress and defense.

Long a leader in the field of economic and social development in Latin America, the OAS stands as the first bulwark against international communism in the Western Hemisphere. This organization, through the years, has been the mediator of many disputes arising from the problems of starvation, lack of land, the population explosion, and political turmoil. Today, the cooperation of all the American Republics is vital to the success of the Alliance for Progress, which will enable free people of this hemisphere to know an environment composed of homes, work and land, health, and schools.

The successes of the OAS during the turbulent years since its foundation in 1890 deserve the highest note and can serve well as the guidelines and vehicles of the future for peace, freedom, and the objectives of the Alliance for Progress in the Western Hemisphere.

Mr. MERROW. Mr. Speaker, no domestic or foreign question engenders more widespread support among the American people than the desire for friendly, cooperative relations with our Latin American neighbors. Year after year Congress has reflected this public sentiment with overwhelming bipartisan support for programs designed to strengthen inter-American ties.

It is indeed a pleasure to join in commemoration of the 72d anniversary of the inter-American system. The development of the Organization of American States from the fledgling commercial bureau established in 1898 is a great saga in the annals of mankind's struggle for international peace.

The Organization of American States has piled up an impressive record. Its success in the peaceful settlement of disputes, for which it has evolved original procedures, is unmatched anywhere in the world. The OAS also provides a framework through which differing views on economic and other matters can be debated and harmonized, thus increasing the chances for amicable relations.

We are grateful to the precursors of inter-American unity; to those, like Simón Bolívar, who first envisioned the benefits to be derived from peaceful collaboration, and to the many in later years who, without benefit of blueprint or precedent, built a living instrument from Bolívar's dream.

It is now our turn to demonstrate the ingenuity and devotion necessary to meet new challenges to hemisphere peace and security.

The social injustice and human despair prevalent in much of Latin America promises to erupt into revolutionary chaos unless solutions to Latin America's staggering problems are forthcoming. Meanwhile, the emergence of a Commu-

nist government in Cuba, dedicated to the disruption of the pan-American system, poses a severe threat to the well-being of all the Americas. We must devise new avenues of cooperation to safeguard Latin America for the free world.

On this anniversary of the founding of the oldest, most successful international arrangement in the world, let us join with our fellow Americans throughout the Western Hemisphere in renewed dedication to the principles of freedom and justice upon which our pan-American system is founded.

EXTENSION OF REMARKS

Mr. O'HARA of Illinois. Mr. Speaker, I ask unanimous consent that all Members have permission to extend their remarks in the RECORD following the remarks I have just made; and also, Mr. Speaker, that all Members have 5 legislative days in which to extend their remarks in the RECORD on the subject of Pan American Day.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

THE LATE HONORABLE PEARL PEDEN OLDFIELD

The SPEAKER. The Chair recognizes the gentleman from Arkansas [Mr. MILLS].

Mr. MILLS. Mr. Speaker, it is my sad duty to announce to the House the passing of a former Representative of the Second District of Arkansas, Hon. Pearl Peden Oldfield, widow of the late Honorable William A. Oldfield. Mrs. Oldfield departed this life Thursday, having been stricken with a heart attack at her home here in Washington.

Mrs. Oldfield won a special election for the Second District of Arkansas, the district which I now have the honor to represent, on January 9, 1929, to succeed her husband who had represented that district from March 4, 1909 until his death. Mrs. Oldfield served during the balance of the 70th Congress and until March 3, 1931. She was not a candidate for renomination in 1930.

Mrs. Oldfield was born at Cotton Plant, Woodruff County, Ark., on December 2, 1876. She attended the public schools and Arkansas College at Batesville, Ark. She married the late Honorable William A. Oldfield in 1901. Mrs. Oldfield remained in Washington after her retirement from Congress in March 1931, and continued active in the Congressional Club and other social and charitable organizations. However, she retained her ties to the Second District of Arkansas through her many friends and relatives, and maintained her Methodist Church membership in Batesville.

Mrs. Oldfield leaves a nephew, retired Navy Capt. Robert C. Peden, and a niece, Mrs. Ellsworth T. Kauffman, of Kansas City.

Mr. Speaker, Mrs. Oldfield served as a Member of this House with great distinction. She was one of the first women to succeed her husband in Congress. Her husband, in turn, had served

with great distinction as a Representative until his death. While her term of service was short, it was characterized by loyal and conscientious devotion to duty as a Representative of the Second District of Arkansas.

Mrs. Oldfield was a remarkable woman, who had courage, straightforwardness and commonsense, together with tolerance and understanding. She had the characteristics which we associate with the finest pioneer woman.

To her intimates, Mrs. Oldfield was known as "Miss Pearl." Her serenity and strength were an inspiration to many individuals much younger.

Mrs. Oldfield served during a period of great economic change—in the great depression. She worked hard to see to it that appropriate steps were taken looking toward recovery.

Mrs. Oldfield was a distinguished and able citizen of her district, her State, and her Nation. I know all who had the privilege of knowing her will grieve her passing. I extend to her nephew and niece and her many friends my deepest sympathy and condolences.

POSTPONEMENT OF RECORD VOTES TODAY UNTIL WEDNESDAY, APRIL 18

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that any record votes, other than those on the adoption of rules and procedural matters, that develop on Tuesday, April 17, be postponed until Wednesday, April 18.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

CORRECTION OF RECORD

Mr. CORMAN. Mr. Speaker, I ask unanimous consent that the permanent RECORD be corrected. In my remarks of Thursday, April 12, on page 5991, the last word at the end of the first sentence is "explanation." It should be "refutation." And in the last paragraph on that page the name "Hartman" should be spelled "Hartmann."

The SPEAKER. Without objection, the correction will be made.

There was no objection.

"THE LIBERAL PAPERS"

(Mr. ROOSEVELT asked and was given permission to address the House for 1 minute.)

Mr. ROOSEVELT. Mr. Speaker, I regret that a most important engagement prevents me from being in the House at the time the gentleman from Vermont [Mr. STAFFORD] and his nine Republican colleagues intend to discuss "The Liberal Papers," for I would like to be present in view of my previous comments in the RECORD regarding this book. Nevertheless, I shall read the RECORD, and in a couple of days comment on their remarks. I appreciate the courtesy of my colleagues in advising me that my name will be mentioned in connection with their remarks, and I will certainly reciprocate their generosity.

PENSIONS FOR WORLD WAR I VETERANS

(Mr. DENTON asked and was given permission to address the House for 1 minute.)

Mr. DENTON. Mr. Speaker, today I filed Discharge Petition No. 4, which would discharge House Resolution 585, which makes in order the consideration of a bill (H.R. 3745) providing for paying pensions to veterans of World War I. World War I has been over for 43½ years. No veterans of any other war have waited that long a period before receiving a pension.

I happen to be a veteran of both World War I and World War II. I cannot help contrasting the difference in the treatment the veterans of World War II received as compared with those of World War I. The veterans of World War II received greater mustering-out pay, and in addition they received terminal leave, and unemployment insurance benefits, they had the GI bill of rights, giving them GI loans with the right to buy a home or go into business and have educational advantages such as a college education and on-the-job training.

I would like to remind Members on my right that the Democratic platform recognizes the fact that the veterans of World War I have not been treated the same as the veterans of other wars and says that that would be corrected. I hope enough Members will sign this discharge petition so we can bring this matter before Congress.

EXTENSION OF REMARKS IN PERMANENT RECORD

Mr. LANE. Mr. Speaker, I ask unanimous consent to extend my remarks on the bill H.R. 1159, to eliminate the 6-percent cost differential that favored Pacific coast shipbuilders, and that my remarks be placed in the permanent RECORD of the session of the House, Thursday, April 12, before the vote.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

CONSENT CALENDAR

The SPEAKER. This is Consent Calendar day. The Clerk will call the first bill on the Consent Calendar.

METRIC SYSTEM OF WEIGHTS AND MEASURES

The Clerk called the bill (H.R. 2049) to provide that the National Bureau of Standards shall conduct a program of investigation, research, and survey to determine the practicability of the adoption by the United States of the metric system of weights and measures.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, I object.

PRINCE GEORGES COUNTY, MD., SCHOOL BOARD

The Clerk called the bill (H.R. 6759) for the relief of the Prince Georges County School Board, Maryland.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa? There was no objection.

AMENDMENTS TO NATIONAL SCHOOL LUNCH ACT

The Clerk called the bill (H.R. 8962) to revise the formula for apportioning cash assistance funds among the States under the National School Lunch Act, and for other purposes.

Mr. FORD. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

PARAPLEGIC HOUSING PROGRAM

The Clerk called the bill (H.R. 4012) to amend section 801 of title 38, United States Code, to provide assistance in acquiring specially adapted housing for certain blind veterans who have suffered the loss or loss of use of a lower extremity.

Mr. FORD. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

BURIAL EXPENSES OF CERTAIN DECEASED VETERANS

The Clerk called the bill (H.R. 4901) to amend section 904, title 38, United States Code, so that burial allowances might be paid in cases where discharges were changed by competent authority after death of the veteran from dishonorable to conditions other than dishonorable.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 904, title 38, United States Code, is amended by inserting immediately after the first sentence thereof the following new sentence: "If the burial allowance was not payable at the death of the veteran because of the nature of his discharge from the service, but after his death his discharge has been corrected by competent authority so as to reflect a discharge from the service under conditions other than dishonorable, then the burial allowance may be paid if a claim is filed within two years from whichever last occurs, the date of correction of the discharge or the effective date of this sentence."

SEC. 2. The amendment made by this Act shall be effective from the date of approval.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ESTABLISHING OFFICES OF VETERANS' ADMINISTRATION IN EUROPE, AUTHORIZING FURNISHING ABROAD OF HOSPITAL AND MEDICAL CARE FOR SERVICE-CONNECTED DISABILITIES

The Clerk called the bill (H.R. 9561) to amend section 624 of title 38, United States Code, to authorize the furnishing abroad of hospital care and medical services for wartime service-connected disabilities.

Mr. FORD. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

STATUTORY AWARD FOR APHONIA

The Clerk called the bill (H.R. 10066) to amend title 38 of the United States Code to provide additional compensation for veterans suffering the loss or loss of use of both vocal cords, with resulting complete aphonia.

Mr. FORD. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

PAYMENT OF THE COSTS OF RESEARCH AND DEVELOPMENT AT UNIVERSITIES

The Clerk called the bill (H.R. 6984) to provide for a method of payment of indirect costs of research and development contracted by the Federal Government at universities, colleges, and other educational institutions.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That hereafter provision may be made in cost-type research and development contracts (including grants) with universities, colleges, or other educational institutions for payment of reimbursable indirect costs on the basis of predetermined fixed-percentage rates applied to the total, or an element thereof, of the reimbursable direct costs incurred.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

VALIDATION OF SPECIAL STATION PER DIEM ALLOWANCES AND BASIC ALLOWANCES FOR QUARTERS MADE TO CERTAIN COMMISSIONED OFFICERS OF PUBLIC HEALTH SERVICE

The Clerk called the bill (H.R. 10195) to validate payments of certain special station per diem allowances and certain basic allowances for quarters made in good faith to commissioned officers of the Public Health Service.

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For information only;
should not be quoted
or cited)

Issued May 8, 1962
For actions of May 7, 1962
87th-2d, No. 72

CONTENTS

Appropriations.....	30	Forestry.....	4,7	School lunch.....	12
Banking and currency....	36	lands.....	7	Science.....	38
Conservation reserve....	29	Marketing penalties....	11	Seeds.....	9
Contracts.....	34	Metric system.....	13	Soil conservation.....	2
Cooperatives.....	8	Minerals.....	5	Sugar.....	23
Cropland retirement.....	29	Organization.....	38	Taxation.....	33
Dairy.....	6	Personnel.....	3,17	Transportation.....	15
Electrification.....	10	Property.....	18,28	Water resources.....	20
Export control.....	27	Reclamation.....	35	Wheat surplus.....	22
Farm program....	1,16,21,29	Recreation.....	19	Wilderness.....	26
Foreign aid.....	31	Reports.....	6	Wildlife.....	37
Foreign trade.....	24,27,32	Research.....	25	Youth conservation.....	14

HIGHLIGHTS: Sen. Williams, Del., urged investigation of Billie Sol Estes relations with this Department. House passed bill to permit soil bank equipment to be used for State forestry work.

HOUSE

1. FARM PROGRAM. The "Daily Digest" states that the Agriculture Committee "Met in executive session on H. R. 11222, the general farm bill. No announcements were made, and the committee adjourned subject to call of the Chair." p. D340
2. SOIL CONSERVATION. Agreed to without amendment S. Con. Res. 62, commemorating the twenty-fifth anniversary of the establishment of soil conservation districts. p. 7230
3. PERSONNEL. Passed as reported H. R. 8564, to amend the Federal Employees' Group Life Insurance Act of 1954 to provide for escheat of amounts of insurance to the insurance fund under such Act in the absence of any claim for payment. p. 7228
4. FORESTRY. Passed under suspension of the rules H. R. 9736 to permit States which have been cooperating with the Federal Government in the production of forest tree seedlings for planting on conservation reserve land to continue

to use the facilities, materials, equipment, and improvements provided cooperatively by the Federal Government for the production of such seedlings, in producing seedlings which will be needed to attain the objectives of other related programs. pp. 7229, 7232-3

5. MINERALS. Passed as reported H. R. 10566, to provide for the withdrawal and orderly disposition of mineral interests in certain public lands in Pima County, Arizona. pp. 7226, 7231-2
6. DAIRY; REPORTS. Passed without amendment H. R. 4083, to reduce the frequency of reports required of the Veterans' Administration on the use of surplus dairy products. p. 7231
7. LANDS; FORESTRY. Passed without amendment H. R. 8434, to authorize the Secretary of Agriculture to sell and convey a certain parcel of forest land to the city of Mount Shasta, California. p. 7231
8. COOPERATIVES. Passed without amendment H. R. 10374, to amend section 6 of the Agricultural Marketing Act of 1929, as amended, so as to reduce from \$500,000 to \$150,000 the revolving fund available for subscriptions to capital stock of the banks for cooperatives. p. 7231
9. SEEDS. At the request of Rep. Poage, passed over without prejudice H. R. 5546, to amend the Federal Seed Act, as amended, so as to prohibit the importation of any type of seed screenings. p. 7231
10. ELECTRIFICATION. At the request of Rep. Saylor, passed over without prejudice H. R. 10708, to amend section 203 of the Rural Electrification Act of 1936 so as to authorize REA to finance communication facilities for the transmission of sounds, signals, pictures, writing, or signs as well as voice. p. 7230
11. MARKETING PENALTIES. At the request of Rep. Pelly, passed over without prejudice H. R. 10594, to amend the Agricultural Adjustment Act of 1938, as amended, so as to provide that no penalty shall be collected with respect to the marketing of any agricultural commodity grown for experimental purposes by any publicly owned agricultural experiment station or by any privately owned nonprofit agricultural research and experiment station or foundation. pp. 7229-30
12. SCHOOL LUNCH. At the request of Rep. Ford, passed over without prejudice H. R. 8962, to revise the formula for apportioning cash assistance funds among the States under the National School Lunch Act. p. 7224
13. METRIC SYSTEM. On objection of Reps. Gross, Ford, and Hall, passed over H. R. 2049, to provide that the National Bureau of Standards shall conduct a program of investigation, research, and survey to determine the practicality of the adoption of the U. S. of the metric system of weights and measures. p. 7223
14. YOUTH CONSERVATION. Rep. Perkins inserted an article on the Youth Conservation Corps, "Youth's Other Corps." pp. 7236-7
15. TRANSPORTATION. Rep. Wallhauser discussed the transportation problem, saying "It is important that we come to grips with it at the earliest possible moment...To neglect the transportation system that carries the economic bloodstream is to risk national paralysis." pp. 7235-6



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 87th CONGRESS, SECOND SESSION

Vol. 108

WASHINGTON, MONDAY, MAY 7, 1962

No. 72

House of Representatives

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

Galatians 6: 9: Let us not be weary in well doing; for in due season we shall reap, if we faint not.

Almighty and eternal God, in these times of crisis and confusion, may our vision of Thy kingdom of peace and righteousness and of good will among men be so clear and commanding that we shall follow and pursue it with all our energy and enthusiasm of mind and heart.

Grant that in our day and generation there may come into our world a new appreciation and sense of the potentialities and possibilities, the capabilities and capacities, of all the members of the human family, whether white or black or brown.

Teach us to believe that no starry ideal or aspiration, vouchsafed to our finite spirit, is too high and too holy to be fulfilled by Thy divine wisdom and that out of the dark nights of turmoil and tragedy there shall rise the bright star of faith, hope, and love, shining more and more unto the perfect day.

Humbly we offer our prayer in the name of our blessed Lord. Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, May 3, 1962, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. McGown, one of its clerks, announced that the Senate had passed a joint resolution of the following title, in which the concurrence of the House is requested:

S.J. Res. 151. Joint resolution permitting the Secretary of the Interior to continue to deliver water to lands in the third division, Riverton Federal reclamation project, Wyoming.

PRIVILEGE OF THE HOUSE

The SPEAKER. The Chair recognizes the gentleman from California [Mr. ROOSEVELT].

Mr. ROOSEVELT. Mr. Speaker, I rise to a question of the privilege of the House.

The SPEAKER. The gentleman will state the question of privilege.

Mr. ROOSEVELT. Mr. Speaker, I have been subpoenaed to appear before the grand jury of the circuit court for Montgomery County, in Rockville, Md., on May 8, 1962.

Under the precedents of the House, I am unable to comply with this subpoena without the consent of the House, the privileges of the House being involved. I, therefore, submit the matter for the consideration of this body.

Mr. Speaker, I send to the desk the subpoena.

The SPEAKER. The Clerk will read the subpoena.

The Clerk read as follows:

In the Circuit Court for Montgomery County, Md., State of Maryland, Montgomery County, to wit:
To the Sheriff of Montgomery County, greeting:

You are hereby commanded to summon Hon. JAMES ROOSEVELT, House Office Building, Washington, D.C., of Montgomery County, to appear before the Circuit Court for Montgomery County, to be held at the courthouse, in Rockville, in and for said county, on the 8th day of May next, at 11:30 o'clock a.m., to testify for grand jury against _____ and have you then and there this writ.

Witness, the Honorable Patrick M. Schnauffer, chief judge of our said court, the 5th day of March 1962.

Issued the 2d day of May 1962.

CLAYTON K. WATKINS,
Clerk.

L. T. KARDY,
State's Attorney.

The SPEAKER. The Chair recognizes the gentleman from Oklahoma [Mr. ALBERT].

Mr. ALBERT. Mr. Speaker, I offer a privileged resolution (H. Res. 626) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Whereas Representative JAMES ROOSEVELT, a Member of this House, has been served with a subpoena to appear as a witness before the Circuit Court for Montgomery County, Maryland, to testify at Rockville, Maryland, on the eighth day of May 1962, before a grand jury; and

Whereas, by the privileges of this House, no Member is authorized to appear and testify, but by order of the House: Therefore be it

Resolved, That Representative JAMES ROOSEVELT is authorized to appear in response to the subpoena of the Circuit Court for Montgomery County, Maryland, at such time as when the House is not sitting in session; and be it further.

Resolved, That, as a respectful answer to the subpoena, a copy of these resolutions be submitted to the said court.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CHANGE OF PROGRAM

(Mr. ALBERT asked and was given permission to address the House for 1 minute.)

Mr. ALBERT. Mr. Speaker, I take this time to advise the House that the Committee on Agriculture does not desire to bring up the bill H.R. 5546, the importation of seed screenings, under suspension of the rules today.

THE CONSENT CALENDAR

The SPEAKER. This is Consent Calendar day. The Clerk will call the first bill on the calendar.

PRACTICABILITY OF ADOPTING THE METRIC SYSTEM

The Clerk called the bill (H.R. 2049) to provide that the National Bureau of Standards shall conduct a program of investigation, research, and survey to determine the practicability of the adoption by the United States of the metric system of weights and measures.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS, Mr. FORD, and Mr. HALL objected and, under the rule, the bill was stricken from the calendar.

PRINCE GEORGES COUNTY SCHOOL BOARD, MARYLAND

The Clerk called the bill (H.R. 6759) for the relief of the Prince Georges County School Board, Maryland.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

AMENDMENTS TO NATIONAL SCHOOL LUNCH ACT

The Clerk called the bill (H.R. 8962) to revise the formula for apportioning cash assistance funds among the States under the National School Lunch Act, and for other purposes.

Mr. FORD. Mr. Speaker, reserving the right to object, as the proponents of this legislation know, it does violate the rules established by the objectors' committee on both sides of the aisle. I think it is also well known I intend to have this bill passed over indefinitely. If the committee chairman and others who favor it do not ask to have it withdrawn from the calendar the next time the calendar is called I will start the process by objecting to have it taken off the calendar.

Mr. Speaker, I withdraw my reservation of objection and ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

PARAPLEGIC HOUSING PROGRAM

The Clerk called the bill (H.R. 4012) to amend section 801 of title 38, United States Code, to provide assistance in acquiring specially adapted housing for certain blind veterans who have suffered the loss or loss of use of a lower extremity.

Mr. FORD. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

ESTABLISHING OFFICES OF THE VA IN EUROPE

The Clerk called the bill (H.R. 9561) to amend section 624 of title 38, United States Code, to authorize the furnishing abroad of hospital care and medical services for wartime service-connected disabilities.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of

America in Congress assembled, That subsection 624(b)(1), title 38, United States Code, is hereby amended by striking out the word "temporarily."

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following: "That section 624(b)(1) of title 38, United States Code, is amended by striking out 'temporarily'."

"SEC. 2. Section 230 of title 38, United States Code, is amended by adding at the end thereof the following:

"(c) The Administrator shall establish and maintain offices in Europe to handle claims for hospitalization, compensation, pension, and other benefits by beneficiaries of the Veterans' Administration."

"SEC. 3(a). The text of section 235 of title 38, United States Code, is amended by inserting 'or to the Veterans' Administration offices established in Europe pursuant to section 230(c) of this title' immediately after 'Republic of the Philippines' both places it appears.

"(b) The catchline of section 235 of title 38, United States Code, and item 235 of the analysis of chapter 3 of title 38, United States Code, are each amended by striking out 'in the Republic of the Philippines' and inserting in lieu thereof 'at oversea offices.'"

The committee amendment was agreed to.

Mr. TEAGUE of Texas. Mr. Speaker, this bill as reported authorizes the Veterans' Administration to provide hospital and medical care for service-connected veterans who are U.S. citizens residing abroad. The present authority permits such care and treatment only if the veteran is residing abroad temporarily.

The Veterans' Administration in its favorable report on this aspect of the legislation makes the significant point that the enactment of the bill would eliminate the requirement under existing law for determining whether or not the veteran is residing temporarily or permanently, a fact which has in some instances presented administrative difficulty. The agency also states that the distinction between temporary and permanent residents insofar as hospitalization and medical care is concerned is difficult to support.

As of last June there were 4,398 veterans living abroad exclusive of the Philippines who are receiving compensation for service-connected disabilities. During fiscal year 1961, medical services were furnished approximately 2,653 veterans who are abroad on a temporary basis at a total cost of \$68,964 or an average annual expenditure of \$26 per veteran. Assuming that the total number of service-connected veterans on the rolls would be permanent residents and that their numbers would remain unchanged and receive medical care, the annual cost as

a result of this bill would be approximately \$114,000.

The Veterans' Administration recommends the approval of this section of H.R. 9561 and the Department of State has offered no opposition to enactment of this section.

The committee has added section 2 as an amendment to the bill, authorizing the Veterans' Administration to establish offices in Europe for the administration of the compensation, pension, education and training, and miscellaneous benefits over which this agency has jurisdiction. During fiscal year 1961, this amounted to approximately \$18 million and covered all of the countries in Europe and in October 1961, as an example, resulted in a disbursement of payments approximately \$1,377,000. This program is presently administered through attachés for veterans' affairs located in Frankfurt, Germany; London, England; Paris, France; and, Rome, Italy. These 4 offices total 23 local employees and 6 veterans' affairs officers serving as attachés or officers with rank in the Foreign Service officers classification. The committee believes it desirable to centralize administration and responsibility for the payment of VA benefits abroad in the VA.

Of course, this is already done in the Philippines, the only country where a large scale of benefits are paid rather than in Europe and there is no reason to think that the centralization of responsibility and administration of the VA would result in any additional or expansion of personnel. On the contrary, there might be some savings in administration.

Section 3 of the bill provides for VA employees in European offices to have the same benefits and privileges given the employees, who are American citizens, of the office in the Philippines.

The cost of operating an office in Europe under VA auspices would not exceed present costs borne by the Department of State annually, which now amounts to \$37,735 for the six American employees and approximately \$61,000 for local employees.

I ask unanimous consent to include as part of my remarks a chart prepared by the Veterans' Administration showing the distribution of payments made in Europe for the purpose of compensation, pension, and education and training during the month of December 1961, as well as a similar chart showing the expenditures in the same area and the same benefits for the first 6 months of fiscal year 1962.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

87TH CONGRESS
2D SESSION

H. R. 11665

IN THE HOUSE OF REPRESENTATIVES

MAY 9, 1962

MR. BAILEY introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To revise the formula for apportioning cash assistance funds among the States under the National School Lunch Act, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 3 of the National School Lunch Act is amended
4 to read as follows:

5 “APPROPRIATIONS AUTHORIZED

6 “SEC. 3. For each fiscal year there is hereby authorized
7 to be appropriated, out of money in the Treasury not other-
8 wise appropriated, such sums as may be necessary to enable
9 the Secretary of Agriculture (hereinafter referred to as the

1 'Secretary') to carry out the provisions of this Act, other
2 than section 11."

3 SEC. 2. Section 4 of the National School Lunch Act is
4 amended to read as follows:

5 "APPORTIONMENTS TO STATES

6 "SEC. 4. The sums appropriated for any fiscal year
7 pursuant to the authorization contained in section 3 of this
8 Act, excluding the sum specified in section 5, shall be avail-
9 able to the Secretary for supplying agricultural commodities
10 and other foods for the program in accordance with the
11 provisions of this Act. The Secretary shall apportion
12 among the States during each fiscal year not less than
13 75 per centum of the funds made available for such year
14 for supplying agricultural commodities and other foods
15 under the provisions of section 3 of this Act. Apportion-
16 ment among the States shall be made on the basis of two
17 factors: (1) the participation rate for the State, and (2)
18 the assistance need rate for the State. The amount of ap-
19 portionment to any State shall be determined by the follow-
20 ing method: First, determine an index for the State by multi-
21 plying factors (1) and (2); second, divide this index by
22 the sum of the indices for all the States (exclusive of Ameri-
23 can Samoa for periods ending before July 1, 1967); and
24 third, apply the figure thus obtained to the total funds to be
25 apportioned. If any State cannot utilize all funds so ap-

1 portioned to it, or if additional funds are made available
2 under section 3 for apportionment among the States, the Sec-
3 retary shall make further apportionments to the remaining
4 States in the same manner. Notwithstanding the foregoing
5 provisions of this section, (1) for the fiscal year beginning
6 July 1, 1962, one-half of any funds available for apportion-
7 ment among the States shall be apportioned in the manner
8 used prior to such fiscal year, and one-half of any such funds
9 shall be apportioned in accordance with the foregoing provi-
10 sions of this section, and (2) for the five fiscal years in the
11 period beginning July 1, 1962, and ending June 30, 1967,
12 the amount apportioned to American Samoa shall be \$25,000
13 each year, which amount shall be first deducted from the
14 funds available for apportionment in determining the
15 amounts to be apportioned to the other States.”

16 SEC. 3. (a) Section 5 of the National School Lunch Act
17 is amended by striking out the last sentence thereof.

18 (b) Section 6 of the National School Lunch Act is
19 amended by striking out “and less the amount apportioned
20 to him pursuant to sections 4, 5, and 10” and inserting in
21 lieu thereof the following: “, less the amount apportioned by
22 him pursuant to sections 4, 5, and 10, and less the amount
23 appropriated pursuant to section 11”.

24 SEC. 4. Section 10 of the National School Lunch Act
25 is amended by striking out “the same proportion of the funds

1 as the number of children between the ages of 5 and 17,
2 inclusive, attending nonprofit private schools within the State
3 is of the total number of persons of those ages within the
4 State attending school” and inserting in lieu thereof the
5 following: “an amount which bears the same ratio to such
6 funds as the number of lunches, consisting of a combination
7 of foods and meeting the minimum requirements prescribed
8 by the Secretary pursuant to section 9, served in the preced-
9 ing fiscal year by all nonprofit private schools participating
10 in the program under this Act within the State, as deter-
11 mined by the Secretary, bears to the participation rate for
12 the State”.

13 SEC. 5. Section 11 of the National School Lunch Act
14 is redesignated as section 12 and subsections (c) and (d)
15 thereof are amended to read as follows:

16 “(c) In carrying out the provisions of this Act, neither
17 the Secretary nor the State shall impose any requirement
18 with respect to teaching personnel, curriculum, instruction,
19 methods of instruction, and materials of instruction in any
20 school.

21 “(d) For the purposes of this Act—

22 “(1) ‘State’ means any of the fifty States, the Dis-
23 trict of Columbia, the Commonwealth of Puerto Rico,
24 the Virgin Islands, Guam, or American Samoa.

25 “(2) ‘State educational agency’ means, as the State

1 legislature may determine, (A) the chief State school
2 officer (such as the State superintendent of public instruc-
3 tion, commissioner of education, or similar officer), or
4 (B) a board of education controlling the State depart-
5 ment of education.

6 “(3) ‘Nonprofit private school’ means any private
7 school exempt from income tax under section 501 (c) (3)
8 of the Internal Revenue Code of 1954.

9 “(4) ‘Nonfood assistance’ means equipment used
10 by schools in storing, preparing, or serving food for
11 schoolchildren.

12 “(5) ‘Participation rate’ for a State means a num-
13 ber equal to the number of lunches, consisting of a com-
14 bination of foods and meeting the minimum requirements
15 prescribed by the Secretary pursuant to section 9, served
16 in the preceding fiscal year by schools participating in
17 the program under this Act in the State, as determined
18 by the Secretary.

19 “(6) ‘Assistance need rate’ (A) in the case of any
20 State having an average annual per capital income equal
21 to or greater than the average annual per capita income
22 for all the States, shall be 5; and (B) in the case of any
23 State having an average annual per capita income less
24 than the average annual per capita income for all the
25 States, shall be the product of 5 and the quotient obtained

1 by dividing the average annual per capita income for
2 all the States by the average annual per capita income for
3 such State, except that such product may not exceed 9
4 for any such State. For the purposes of this paragraph
5 (i) the average annual per capita income for any State
6 and for all the States shall be determined by the Secre-
7 tary on the basis of the average annual per capita income
8 for each State and for all the States for the three most
9 recent years for which such data are available and certi-
10 fied to the Secretary by the Department of Commerce;
11 and (ii) the average annual per capita income for
12 American Samoa shall be disregarded in determining the
13 average annual per capita income for all the States for
14 periods ending before July 1, 1967.

15 “ (7) ‘School’ means any public or nonprofit private
16 school of high school grade or under and, with respect
17 to Puerto Rico, shall also include nonprofit child-care
18 centers certified as such by the Governor of Puerto
19 Rico.”

20 SEC. 6. The National School Lunch Act is further
21 amended by inserting immediately after section 10 thereof
22 the following new section:

1 “SPECIAL ASSISTANCE

2 “SEC. 11. There is hereby authorized to be appropriated
3 such sums as may be necessary to enable the Secretary,
4 under such terms and conditions as he deems to be in the
5 public interest, to provide special assistance to schools draw-
6 ing attendance from areas in which poor economic conditions
7 exist, for the purpose of helping such schools to meet the
8 requirements established in this Act concerning the service of
9 lunches to children unable to pay the full cost of such
10 lunches.”

11 SEC. 7. The amendments made by this Act shall take
12 effect on July 1, 1962.

87TH CONGRESS
2^D SESSION

H. R. 11665

A BILL

To revise the formula for apportioning cash assistance funds among the States under the National School Lunch Act, and for other purposes.

By Mr. BAILEY

MAY 9, 1962

Referred to the Committee on Education and Labor

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For information only;
should not be quoted
or cited)

Issued May 11, 1962
For actions of May 10, 1962
87th-2d, No. 75

CONTENTS

Adjournment.....	14,25	Farm program.....	1,16	Personnel.....	4,32
American Samoa.....	5	Foreign aid.....	18,34	Public works.....	16
Appropriations.....	15	Foreign trade.....	10,17,29,33	Raisins.....	30
ASCS.....	36	Forest Service.....	15	REA.....	13
Banking.....	9,22	Forestry.....	15,31	Reclamation.....	8
Budget.....	22,27	Guam.....	5	Research.....	12
Commodities.....	13,37	Investigation.....	36	Retirement.....	32
Contracts.....	4	Legislative program.....	13	River basin.....	26
Credit.....	23	Monopolies.....	24	Roads and trails.....	31
Education.....	6	National flower.....	36	Rural mail.....	21
Expenditures.....	27	Patents.....	11	Ryukyu Islands.....	5
				Saline water.....	15
				School lunch.....	3
				Science.....	13
				Seeds.....	2
				Sugar.....	35
				Surplus commodities.....	37
				Territories.....	5
				Transportation.....	20
				Virgin Islands.....	15
				Wheat.....	7,19
				Wilderness.....	28

HIGHLIGHTS: Sens. Williams, Del., and Mundt inserted items urging investigation of Estes case. Senate passed measure extending time for proclaiming 1963 wheat marketing quotas. Senate committee reported Interior and related agencies appropriation bill. Sen. Carlson discussed possible effects of trade expansion bill on agriculture. Sen. Humphrey urged greater use of USDA personnel in foreign aid program. Reps. Michel and Gross criticized USDA relations with Estes. House committee voted to report farm bill. House subcommittee voted to report bill to prohibit importation of seed screenings. House committee voted to report bill to revise school lunch fund apportionment formula.

HOUSE

1. FARM PROGRAM. The "Daily Digest" states that the Agriculture Committee "Met in executive session and ordered reported favorably to the House H. R. 11222 (amended), the general farm bill." p. D355

Rep. Michel criticized the USDA saying, "all Americans are concerned over this matter of favoritism practiced by the Department of Agriculture." pp. 7575-6

Rep. Schwengel called for an immediate investigation of this Department and said, "The example of what Billie Sol Estes has been able to do, makes many Americans wonder how many more operators of this kind are getting away with the same type of manipulation and misuse of their ties to the Department of Agriculture." pp. 7609-11

2. SEEDS. The "Daily Digest" states that the Subcommittee on Livestock and Feed Grains of the Agriculture Committee "in executive session, ordered reported

favorably to the full committee H. R. 5546, to amend the Federal Seed Act with respect to screenings of seed." p. D355

3. SCHOOL LUNCH PROGRAM. The "Daily Digest" states that the Education and Labor Committee voted to report (but did not actually report) "H. R. 11665 (a clean bill introduced in lieu of H. R. 8962), to revise the formula for apportioning cash assistance funds among the States under the National School Lunch Act." p. D356

4. PERSONNEL. The "Daily Digest" states that the Education and Labor Committee voted to report (but did not actually report) "H. R. 11677 (a clean bill introduced in lieu of 11634), to prohibit discrimination on account of sex in the payment of wages by certain employers engaged in commerce or in the production of goods for commerce and to provide for the restitution of wages lost by employees by reason of any such discrimination." p. D356

5. TERRITORIES. The Subcommittee No. 2 of the Armed Services Committee voted to report to the full committee H. R. 10937, to amend the act providing for the economic and social development of the Ryukyu Islands. p. D355

The Public Works Committee voted to report (but did not actually report) S. 1742, to authorize Federal assistance to Guam, American Samoa, and the Trust Territory of the Pacific Islands in major disasters. p. D357

6. EDUCATION. The "Daily Digest" states that the Education and Labor Committee voted to report (but did not actually report) "H. R. 11559 (a clean bill to be introduced), to amend the act of August 30, 1890, to eliminate the provisions thereof authorizing Federal contributions for the maintenance of schools of higher education in which racial segregation is practiced." p. D356

7. WHEAT. The Agriculture Committee was granted until midnight Friday to file a report on H. J. Res. 710, to defer the proclamation of marketing quotas and acreage allotments for the 1963 crop of wheat. p. 7590

Rep. Feighan discussed the recent agreement between Canada and Red China for the sale of wheat and barley, saying, "Today a new speculation has developed on the full meaning of the Canadian-Red Chinese grain deal ... as to how much of the wheat and barley contracted for is actually being delivered to Red China and how much is in fact being delivered to the Russians." p. 7595

8. RECLAMATION. Received from the Corps of Engineers a report on a review of the Columbia River and tributaries (H. Doc. 403). p. 7625

9. BANKING. Received from Treasury a report of the National Advisory Council on International Monetary and Financial Problems (H. Doc. 402). p. 7625

10. FOREIGN TRADE. Rep. Mills inserted President Kennedy's address on foreign policy delivered in New Orleans. pp. 7593-5

Rep. James C. Davis criticized H. R. 9900, the proposed Trade Expansion Act of 1962. pp. 7615-6

11. PATENTS. Rep. Daddario commented on the "present status of efforts to arrive at a common patent policy for inventions arising from the research and development activities financed in part or wholly by the Federal Government." pp. 7595-6

12. RESEARCH. Rep. Meader expressed concern over the intention of the Appropriations Committee "to include in all appropriation bills in this Congress a provision limiting indirect costs on research grants to 15 percent of direct costs," urged

Maj. Leslie W. Williams, executive officer of the Connecticut State Police; Keith Mossman, National District Attorneys' Association; Leonard E. Reisman, deputy police commissioner, New York City; Joseph Laurano, chief assistant district attorney for Suffolk County, Mass.; Capt. C. W. Magha, chief, investigation division, Maryland State Police; Brendon Byrne, Essex County (N.J.) district attorney; Stanley R. Schrotel, chief of police, Cincinnati; Leonard Mellon, chief assistant attorney general for the State of Florida; Frank O'Connor, Queens County (N.Y.) district attorney; and Joseph Nugent, attorney general for the State of Rhode Island.

CIVIL SERVICE RETIREMENT

Committee on Post Office and Civil Service: Subcommittee on Retirement held hearings on S. 1337 and S. 3164, increasing from 18 to 21 the maximum age for schoolchildren receiving benefits under the Civil Service Retirement Act, and S. 2937, relating to increasing civil service retirement annuities. Testimony was received from Senator Javits; John W. Macy, Jr., Chairman, Civil Service Commission; Phillip S. Hughes, Assistant Director for Legislative Reference, Bureau of the Budget; and John P. Snyder, National Association of Postmasters.

Hearings continue on Thursday, May 17.

House of Representatives

Chamber Action

Bills Introduced: 23 public bills, H.R. 11690-11712; 8 private bills, H.R. 11713-11720; and 6 resolutions, H.J. Res. 712-715 and H. Res. 635 and 636, were introduced.

Pages 7625-7626

Bill Reported: One report was filed as follows: H.R. 8845, to amend U.S. Code with respect to obstruction of investigations and inquiries, amended (H. Rept. 1671).

Page 7625

Quarters Allowance Increase: House passed H.R. 11221, to increase the basic allowance for quarters of members of the uniformed services and to make permanent the Dependents Assistance Act of 1950, as amended. H. Res. 632, the open rule under which the bill was considered had been adopted earlier by a voice vote.

Pages 7576-7581

White House Police Force: By a voice vote the House passed H.R. 11261, to authorize an adequate White House Police force. The bill authorizes an increase in the force of 80 members to a total of 250. H. Res. 634, the rule making in order the consideration of the legislation, had been adopted earlier by a voice vote.

Pages 7581-7590

Legislative Program: The legislative program for the week of May 14-19 was announced by the majority leader.

Page 7590

Calendar Wednesday: Agreed to dispense with Calendar Wednesday business of May 16.

Page 7590

Wheat Allotments: The Committee on Agriculture was granted permission to file by midnight Friday a report on H.J. Res. 710, to defer the proclamation of marketing quotas and acreage allotments for the 1963 crop of wheat.

Page 7590

Quorum Calls: During the proceedings of the House today two quorum calls developed and they appear on pages 7581 and 7590.

Program for Monday: Adjourned at 4:16 p.m. until Monday, May 14, at 12 o'clock noon. For program see Congressional Program Ahead in this DIGEST.

Committee Meetings

GENERAL FARM BILL

Committee on Agriculture: Met in executive session and ordered reported favorably to the House H.R. 11122 (amended), the general farm bill.

SEEDS

Committee on Agriculture: Subcommittee on Livestock and Feed Grains, in executive session, ordered reported favorably to the full committee H.R. 5546, to amend the Federal Seed Act with respect to screenings of seed.

Prior to taking action on the bill, the subcommittee held an open hearing with Department of Agriculture and public witnesses.

RYUKYU ISLANDS

Committee on Armed Services: Subcommittee No. 2 met in executive session and ordered reported favorably to the full committee H.R. 10937, to amend the act providing for the economic and social development of the Ryukyu Islands.

Prior to taking action on the measure, the subcommittee, in an open hearing, heard testimony from Lt. Gen. Paul W. Caraway, High Commissioner, Ryukyu Islands.

RESERVE POSTURE

Committee on Armed Services: Subcommittee No. 3 continued hearings on Reserve posture and recall of the reservists, and heard testimony from Alfred B. Fitt, Deputy Under Secretary (Manpower); Lt. Gen. R. W. Colglazier, Jr., Deputy Chief of Staff (Logistics); other Department of the Army witnesses; and a General Accounting Office official.

DEFENSE PRODUCTION ACT

Committee on Banking and Currency: Subcommittee No. 1 continued hearings on H.R. 11500, to extend the Defense Production Act of 1950. Testimony was given by Luther Hodges, Secretary of Commerce; and James Davis, Deputy Assistant Secretary of Defense. Adjourned subject to call of the Chair.

URBAN MASS TRANSPORTATION

Committee on Banking and Currency: Subcommittee No. 3 continued hearings on H.R. 11158, and related bills, to provide additional assistance for the development of comprehensive and coordinated mass transportation systems in metropolitan and other urban areas. Testimony was given by David L. Lawrence, Governor, Pennsylvania; John A. Volpe, Governor, Massachusetts; and public witnesses. Hearings continue Friday, May 11.

COMMITTEE BUSINESS

Committee on Education and Labor: Met in executive session and ordered reported favorably to the House the following bills:

H.R. 11677 (a clean bill introduced in lieu of 11634), to prohibit discrimination on account of sex in the payment of wages by certain employers engaged in commerce or in the production of goods for commerce and to provide for the restitution of wages lost by employees by reason of any such discrimination;

H.R. 11665 (a clean bill introduced in lieu of H.R. 8962), to revise the formula for apportioning cash assistance funds among the States under the National School Lunch Act;

H.R. 11537, to permit employer contributions for joint industry promotion of products in certain instances; and

H.R. 11559 (a clean bill to be introduced), to amend the act of August 30, 1890, to eliminate the provisions thereof authorizing Federal contributions for the maintenance of schools of higher education in which racial segregation is practiced.

The committee considered H.R. 10145, to improve the quality of elementary and secondary education. Also considered, and tabled without prejudice, H.R. 11644, to direct the Commissioner of Education to assist in the establishment of a Carver Memorial Library.

FOREIGN AID

Committee on Foreign Affairs: Continued markup, in executive session, of the Foreign Assistance Act of 1962. No announcements were made.

FAR EAST-PACIFIC

Committee on Foreign Affairs: Subcommittee on Far East and Pacific met in executive session with W. Averell Harriman, Assistant Secretary of State for Far Eastern Affairs.

DEFENSE SUPPLY AGENCY

Committee on Government Operations: Subcommittee on Military Operations held a hearing to review the operations of the new Defense Supply Agency in the Defense Department. Heard testimony from Bernard L. Boutin, Administrator, General Services Agency, accompanied by another GSA official; and General Accounting Office representatives.

U.S.-COMMUNIST AID TO CAMBODIA

Committee on Government Operations: Subcommittee on Foreign Operations and Monetary Affairs held a hearing on commingling of U.S.-Communist aid to Cambodia. Heard testimony from Agency for International Development officials; and a public witness. Hearings continue Friday, May 11.

NATIONAL WILDERNESS PRESERVATION

Committee on Interior and Insular Affairs: Subcommittee on Public Lands heard testimony from Representative Davis of Tennessee; and public witnesses, on S. 174, and related bills, to establish a National Wilderness Preservation System. Hearings continue Friday, May 11.

LOANS—AIRLINES

Committee on Interstate and Foreign Commerce: Subcommittee on Transportation and Aeronautics concluded hearings on H.R. 10129, regarding extension of guaranteed loans to airlines. Testimony was given by Clarence D. Martin, Jr., Under Secretary for Transportation, Department of Commerce; and public witnesses.

PRIVATE CLAIMS

Committee on the Judiciary: Subcommittee No. 2 met in executive session and took action on several private claim bills.

COPYRIGHTS

Committee on the Judiciary: Subcommittee No. 3 concluded hearings on H.R. 6354, to provide (1) criminal penalties for the counterfeiting of phonograph records, and (2) civil remedies for infringement of mechanical rights in copyrighted music. Heard testimony from Representative Celler; Abraham L. Kaminstein, Register of Copyrights, Library of Congress; and public witnesses.

COURT JURISDICTION

Committee on the Judiciary: Subcommittee No. 5 met in executive session and ordered adversely reported to the full committee H.R. 5344, to withdraw from the district courts jurisdiction of suits brought by fiduciaries who have been appointed for the purpose of creating diversity of citizenship between the parties.

Also announced that hearings will be held May 22 on H.R. 10185, and related bills, regarding wiretapping.

Rep. Wright defended Assistant Secretary of Labor Jerry Holleman, saying, "I will continue to believe, until some proof to the contrary is given, that this honest man was not in any way involved in anything of a scandalous nature or of a dishonorable intent." p. 7628

Rep. Dole said, "Secretary Freeman stated over the weekend that he would discharge any Agriculture Department officials whose actions were of doubtful nature and perhaps the Secretary should start with himself." p. 7628

Rep. Cannon inserted a memorandum from Horace D. Godfrey, Administrator, ASCS, to the State ASC committeemen and State executive directors discussing the Estes controversy. pp. 7636-7

12. SCHOOL LUNCH PROGRAM. The Education and Labor Committee reported without amendment H. R. 11665, to revise the formula for apportioning cash assistance funds among the States under the National School Lunch Act (H. Rept. 1673). p. 7648

Both Houses received from D. C. a proposed bill "to amend the District of Columbia Public School Food Services Act"; to D. C. Committees. pp. 7648, 7660

13. FOREIGN TRADE. Rep. Monagan discussed H. R. 9900, the proposed Trade Expansion Act of 1962, saying, "It is encouraging to find evidence that the committee is moving back toward the established escape-clause procedures and I hope that the committee may continue to improve the bill so that it may be worthy of support." p. 7627

Rep. Bow criticized the President's speech at New Orleans on H. R. 9900. p. 7640

14. FEED GRAINS. Rep. Findley criticized USDA administration of the feed grains program and inserted correspondence supporting his position from several unions. pp. 7640-3

15. PERSONNEL. The Subcommittee of the Post Office and Civil Service Committee voted to report to the full committee H. R. 10685 (a clean bill to be introduced) to provide payment of certain amounts and restoration of employment benefits to certain Federal officers and employees improperly deprived thereof. p. D364

16. TRANSPORTATION. Both Houses received from the President the annual report of the St. Lawrence Seaway Development Corporation, 1961 (H. Doc. 404). pp. 7629, 7659

17. LANDS. Both Houses received from Interior a certification as to adequacy of soil survey and land classification of the lands in the south Gila Valley unit, Yuma Mesa division, Gila project, Ariz. pp. 7648, 7660

18. STOCKPILES. Both Houses received from Defense the third report on property acquisitions for stockpile purposes. pp. 7648, 7660

19. ATOMIC ENERGY. Both Houses received from AEC a proposed bill "to authorize appropriations for the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended"; to Joint Committee on Atomic Energy. pp. 7648, 7660

ITEMS IN APPENDIX

20. SMALL BUSINESS. Extension of remarks of Sen. Sparkman inserting an address by Sen. Moss stressing Government aids to small businessmen by Departments and agencies. pp. A3546-9

Extension of remarks of Sen. Sparkman favoring adoption of the SBA simplified bank loan program, and inserting an article on this subject. pp. A3574-5

21. NATURAL RESOURCES. Extension of remarks of Rep. Goodling urging increased interests in conservation practices and inserting a prize-winning essay on this subject. p. A3550
22. FOREIGN AID. Extension of remarks of Rep. Collier stating that "a review of the broad program of foreign aid over the past 15 years does not present a very pleasant picture." p. A3552
Extension of remarks of Rep. Michel inserting an article, "Aid In Perspective." p. A3555
23. TAXATION. Extension of remarks of Sen. Wiley inserting an article, "Why The Tax Bill Scares Businessmen," and stating that it not only analyzes some of the provisions of the bill, but also the impact and reflections which adoptions of its recommendations would have upon the business world. pp. A3557-8
24. PRICES. Extension of remarks of Rep. Mack expressing his support for the proposed quality and price stabilization legislation. p. A3558
Extension of remarks of Rep. Holifield inserting articles in support of this proposed legislation. pp. A3568-9, A3571
25. TAXATION. Extension of remarks of Rep. Betts inserting James M. Ashley's statement before the Ways and Means Committee on the proposed trade expansion bill and stating that the statement is generally recognized as one of the clearest and strongest presentations against some of the more controversial sections. pp. A3579-82
26. FORESTRY. Extension of remarks of Rep. Gary inserting Charles B. Stauffacher's address on the "past, present, and future of forestry operations in the South." pp. A3583-5

BILLS INTRODUCED

27. SUGAR. H. R. 11725, by Rep. Abernethy, S. 3290, by Sen. Ellender (for himself and others), H. R. 11730, by Rep. Cooley, and H. R. 11738, by Rep. Rogers, Tex., to amend and extend the provisions of the Sugar Act of 1948, as amended; to H. Agriculture and S. Finance Committees.
28. SOIL BANK. H. R. 11727, by Rep. Berry, and H. R. 11739, by Rep. Short, to amend the Soil Bank Act so as to authorize the Secretary of Agriculture to permit the harvesting of hay on conservation reserve acreage under certain conditions; to Agriculture Committee.
29. PURCHASING. H. R. 11736, by Rep. Matthews, to amend section 2304 of title 10, United States Code, to provide that military procurement agencies shall comply with State minimum price laws for certain perishable subsistence items; to Armed Services Committee.
30. CIVIL DEFENSE. H. R. 11743, by Rep. Vinson, to amend the provisions of title III of the Federal Civil Defense Act of 1950, as amended; to Armed Services Committee.

-0-

COMMITTEE HEARINGS ANNOUNCEMENTS:

May 15: Sugar legislation, H. Agriculture (domestic producers to testify).

Federal pay bill, H. Civil Service (Murphy to testify).

REA financing of communication facilities in addition to voice, and elimination of penalties on commodities grown by certain publicly owned or privately owned non-profit institutions, H. Rules.

Watershed projects, S. Agriculture.

AMENDMENTS TO NATIONAL SCHOOL LUNCH ACT

MAY 14, 1962.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

MR. POWELL, from the Committee on Education and Labor, submitted the following

R E P O R T

[To accompany H.R. 11665]

The Committee on Education and Labor, to whom was referred the bill (H.R. 11665) to revise the formula for apportioning cash assistance funds among the States under the National School Lunch Act, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF LEGISLATION

The bill makes the following changes in the National School Lunch Act:

1. The formula for apportionment of cash assistance funds among the States is based upon number of type A lunches served in the preceding year, including those served without milk as a beverage, and the assistance need rate for the State. Under existing law, funds are apportioned on the basis of total school-age population. During the fiscal year beginning July 1, 1962, one-half of the cash assistance funds will be distributed under existing law and one-half under the new formula.

2. A special assistance fund is authorized to assist schools drawing attendance from areas in which poor economic conditions exist and which are not financially able, with the basic assistance provided under the act, to (1) operate a lunch program or (2) meet the need for free or substantially reduced price lunches among those children unable to pay the full price of the lunch. (Criteria for administering this provision (sec. 11) are set forth below in this report.)

3. The method is revised for dividing the State's share of the cash assistance funds between public and private schools, when such a division is necessary, because State statutes prevent the State agency from disbursing funds to private schools. The bill provides that di-

vision be made on the number of type A lunches served in each type of school in the preceding fiscal year, resulting in the same average per meal rate in both public and private schools.

4. American Samoa is brought into the program.

These changes have been recommended by the Department of Agriculture.

BACKGROUND OF LEGISLATION

Federal assistance to school lunch programs began in the mid-thirties. Foods acquired by the Department of Agriculture under surplus removal programs were donated to schools to help provide free lunches to needy children. This surplus purchase and donation operation was carried out under the authority of section 32 of the act of August 24, 1935. Section 32 provides a permanent annual appropriation to the Department of Agriculture for the general purpose of expanding domestic and export markets for agricultural commodities. Since its enactment the Department has stepped into the market, when necessary, to remove a surplus supply and has donated the purchased supplies to schools, charitable institutions, and needy families. The Department's surplus food donation authority was further expanded by section 416 of the Agricultural Act of 1949 which authorizes donations of food commodities acquired by the Commodity Credit Corporation under the price-support program.

In the 1930's, as well as in the present period, the volume and kinds of surplus foods available for donation to schools varied from year to year depending upon marketing conditions. Nonetheless, the availability of these foods did stimulate the inauguration of school feeding projects and, by 1940, over 2 million children were participating in school lunch programs that were receiving Federal surplus foods.

By 1943 the wartime demand for food had virtually eliminated the surplus problem in agriculture and in March of that year the Department announced that section 32 funds would be used to support the school lunch program through a reimbursement system. Under it, schools were to receive cash payments to make local purchases of food for the lunch program. Surplus food donations were to continue, but during the war period they were largely limited to occasional supplies of seasonal surpluses of items such as potatoes and cabbage.

As established in 1943, this cash assistance lunch program was basically similar to the present national school lunch program with respect to nutritional standards, free lunches for children unable to pay the full price of the lunch, and the requirement that schools operate their lunch programs on a nonprofit basis. The maximum basic Federal cash reimbursement per meal was 9 cents, as at present.

For the next 3 fiscal years—1944 through 1946—the authority to operate a cash reimbursement program with section 32 funds was contained in the annual appropriation bill for the Department of Agriculture. The program expanded rapidly after the inauguration of the cash reimbursement assistance and by the fiscal year 1946 about 4 million children were participating. In this period the departments of education in many States began to take a more active interest in the program although actual administration, including the taking of agreements with individual schools, continued to be the responsibility of the Department of Agriculture.

Having to rely on year-to-year authorizations in appropriation bills resulted in a recurring uncertainty concerning the availability of

Federal funds and made it difficult for States to develop longer range plans for program expansion. This led to a move to provide permanent enabling legislation as a means of—in the words of the House Committee on Agriculture when it reported out the school lunch bill—“coordinating the work throughout the Nation and especially to encourage and increase financial participation and active control by the several States.”

The National School Lunch Act was approved by the President in June 1946. It placed responsibility for the administration of the program in State educational agencies. They select schools for participation, take agreements with participating schools, pay reimbursement claims from funds advanced to the States by the Department, and generally supervise operations in the local schools within the policies and regulations established by the Department of Agriculture. The act did provide, however, that the Department of Agriculture would still administer the program in private schools in those States where by State law the State educational agency was prohibited from disbursing funds to private schools.

The Department now administers the private school program in 28 States and in the territory of Guam.

Other major features of the National School Lunch Act were:

- (a) Authorization of an annual appropriation.
- (b) A specific formula for the distribution of cash assistance funds among the States.
- (c) Authority to the Secretary of Agriculture to determine nutritional standards for lunches served. (The type A lunch established to meet these standards includes a half pint of milk, a protein-rich food, fruits and vegetables, bread and butter or fortified margarine. Where schools cannot obtain a suitable supply of fluid milk, or where a child declines to drink milk, a lunch may be served without milk as a beverage.)
- (d) A requirement that lunches be served free to children unable to pay.
- (e) A requirement that participating schools operate their lunch programs on a nonprofit basis.
- (f) Section 6 of the act gave the Secretary of Agriculture authority to use a portion of the appropriation for the direct purchase of foods for distribution to participating schools.
- (g) Another section in the act provided for the use of \$10 million of each annual appropriation to assist schools in the purchase of equipment. (However, Congress has not appropriated funds for this purpose since the first year of the program.)
- (h) Provision was made for the continued distribution of surplus foods to participating schools.
- (i) The act also provided for State and local matching of Federal cash grants at a 3-to-1 ratio beginning July 1, 1955, with downward adjustments for States having a per capita income below the national average. The value of commodities donated to schools does not have to be matched. Also, as interpreted on the basis of legislative history, children's payments for lunches are considered as part of State and local matching funds.

The act provides that at least 75 percent of the annual appropriation be provided to States in the form of cash payments. Up to 3½ percent can be used by the Secretary for his administrative expenses, and the remaining amount (21½ percent) may be used to make

special purchases for the program as authorized by section 6. In actual practice more than the minimum amount is provided to the States in the form of cash payments. Federal administrative expenses are held to about half of the permitted maximum, and the full amount is not reserved for section 6 purchases. In the current fiscal year, for example, 88.7 percent of the appropriation is being used for cash reimbursement, or \$12.3 million more than is required under the minimum 75-percent requirements.

From time to time since 1947 the Federal appropriation has been increased. It ranged from about \$70 to \$75 million for food assistance from 1947 through 1949. From 1950 through 1956 it was stabilized at about \$83.5 million; it was increased to \$100 million in 1957 and to \$110 million in 1959.

For 1962, \$115 million was made available out of appropriated funds, and an additional \$10 million of such funds together with a total of \$45 million of section 32 funds was authorized to make special commodity purchases for the program.

Under permanent legislation, steady and effective progress has been achieved. During the 1947 fiscal year, 34,144 schools were serving lunches to 4,545,129 children. The total cost of the program, including Federal, State, and local contributions, together with payments by the children, amounted to \$218,588,894. During fiscal year 1961, 63,961 schools were serving lunches to 13,453,410 children. The total cost of the program, from all sources, had grown to \$1,051,049,745.

The Federal cash assistance grants amounted to \$59,896,235 in 1947 and had increased to \$93,746,304 by 1961.

Under existing law and Department of Agriculture regulations, cash assistance funds are apportioned on the basis of school-age population and per capita personal income. States are required to reimburse participating schools on the basis of number of lunches served. The basic maximum allowable payment is 9 cents for each type A lunch with milk and 7 cents for each type A lunch without milk.

Because the program has grown faster in some States than in others, in actual practice the average per meal rates of cash assistance any State is able to pay its schools tends to be related more to the rate of program growth than to need as measured by per capita income of the State. Thus a higher income State with below average participation may be able to reimburse its schools at a higher rate than can a lower income State with above average participation.

The committee was impressed with data showing that in 1947 the cash reimbursement rate averaged 8.7 cents per lunch, and that it has now declined to about 4 cents. The rate of reimbursement ranges from less than 2 cents to 8.5 cents.

The committee was also impressed with the necessity of placing a floor under the reimbursement rate, as well as a ceiling as presently provided by departmental regulation. The committee gave serious consideration to a request that the high and low be placed at 5 cents and 9 cents.

Unless the program were fully implemented, it was recognized that serious injustice would be imposed on States with a high assistance need rate. The committee therefore recommends strongly that the program be fully implemented so that the factors "5" and "9" in the formula may, in fact, be 5 and 9 cents, respectively.

Average per meal rate of assistance and total apportionment under proposed formula

State ¹	With a cash assistance fund of ² —			
	\$118,600,000 ³	\$139,900,000 ⁴	\$118,600,000 ³	\$139,900,000 ⁴
	Proposed method	Proposed method	Proposed method	Proposed method
Delaware.....	208	245	4.2	5.0
District of Columbia.....	183	216	4.2	5.0
Connecticut.....	1,058	1,248	4.2	5.0
Nevada.....	110	130	4.2	5.0
New York.....	7,160	8,445	4.2	5.0
California.....	6,326	7,462	4.2	5.0
Alaska.....	91	107	4.2	5.0
New Jersey.....	2,125	2,507	4.2	5.0
Illinois.....	4,244	5,006	4.2	5.0
Massachusetts.....	2,414	2,848	4.2	5.0
Maryland.....	1,610	1,899	4.2	5.0
Ohio.....	4,996	5,894	4.2	5.0
Michigan.....	3,778	4,456	4.2	5.0
Washington.....	1,637	1,931	4.2	5.0
Colorado.....	1,082	1,277	4.2	5.0
Pennsylvania.....	5,421	6,395	4.2	5.0
Oregon.....	1,101	1,299	4.2	5.0
Wyoming.....	220	260	4.2	5.0
Missouri.....	2,661	3,139	4.2	5.0
Rhode Island.....	346	408	4.3	5.1
Indiana.....	2,825	3,332	4.3	5.1
Hawaii.....	620	732	4.4	5.2
Wisconsin.....	2,303	2,716	4.4	5.2
Nebraska.....	871	1,027	4.5	5.3
New Hampshire.....	350	412	4.6	5.4
Minnesota.....	2,561	3,021	4.6	5.3
Kansas.....	1,411	1,665	4.6	5.4
Montana.....	419	494	4.6	5.4
Arizona.....	980	1,156	4.7	5.6
Iowa.....	2,192	2,585	4.7	5.6
Guam.....	76	90	4.8	5.7
Florida.....	3,774	4,452	4.8	5.7
Texas.....	5,952	7,021	4.8	5.7
Utah.....	754	889	4.9	5.8
Maine.....	669	789	5.1	6.0
Vermont.....	246	290	5.1	6.0
Virginia.....	3,081	3,635	5.1	6.0
Oklahoma.....	1,717	2,025	5.1	6.0
Idaho.....	556	656	5.1	6.0
New Mexico.....	815	962	5.2	6.1
South Dakota.....	480	566	5.3	6.3
North Dakota.....	595	701	5.3	6.3
West Virginia.....	1,565	1,846	5.6	6.6
Louisiana.....	4,205	4,960	5.7	6.7
Georgia.....	4,494	5,301	5.9	7.0
North Carolina.....	5,390	6,358	6.1	7.2
Tennessee.....	3,446	4,065	6.1	7.2
Kentucky.....	3,192	3,766	6.1	7.2
Alabama.....	3,621	4,271	6.4	7.6
South Carolina.....	3,376	3,982	6.9	8.1
Arkansas.....	2,186	2,579	7.0	8.3
Mississippi.....	3,229	3,809	7.6	9.0
Virgin Islands.....	61	72	7.6	9.0
Puerto Rico.....	3,817	4,503	7.6	9.0
U.S. total.....	118,600	139,900	5.0	5.9

¹ States ranked in order from highest to lowest per capita income average for latest 3 years: 1958, 1959, 1960.

² Based on estimated meals in fiscal year 1962.

³ U.S. Department of Agriculture budget request, fiscal year 1963.

⁴ Amount estimated to be appropriated for full implementation.

ADMINISTRATION OF PROPOSED SECTION 11 (SPECIAL ASSISTANCE)

General criteria

Funds appropriated under the authority of the proposed new section 11 of the National School Lunch Act are designed to provide special food assistance to those schools which, because of the poor local economic conditions of the area from which they draw attendance, are not financially able with the basic assistance provided under the

act to (1) operate a lunch program or (2) meet the need for free or substantially reduced price lunches among those children unable to pay the full price of the lunch. Selection of schools for section 11 assistance will be made upon the basis of an application from the school which will furnish information showing the need for additional financial aid, over and above that now available to the lunch program from Federal, State, and local sources, in order to make a lunch available to those needy children unable to pay the full price.

While operating experience is required to determine the most effective detailed administrative regulations to insure that these funds go to the type of school for which they are intended, the following broad operating principles and guidelines can be immediately incorporated into the new program:

1. The present administrative pattern will be continued, with responsibility for selecting schools and disbursing funds left in the hands of State educational agencies, except in the 29 States or territories where State law makes it necessary for the Department of Agriculture to deal directly with private schools.

2. Because all States have some areas and schools with special economic need, at least 50 percent of any funds appropriated under the new section 11 will be divided among the States on the basis of a special apportionment formula described in the following section. The remaining amount of any such appropriation will be held in a reserve by the Department to meet additional needs.

3. Any funds made available to the States and territories under the authority of section 11 will be disbursed to schools selected on the basis of the special economic need of the schools. Administrative regulations of the Department will outline the factors to be considered by the States (or the Department in the case of private schools) in the selection of such schools. These factors are outlined in a later section.

4. Funds disbursed to approved schools shall be used to make local purchases of food for the program. The maximum rate of assistance shall be 15 cents per lunch. The Department will also work with State agencies to insure that such schools also receive special consideration in the distribution of foods especially purchased for school lunch purposes or made available under the surplus food donation program.

5. State agencies (and the Department in the case of private schools) will periodically review the financial position of lunch programs approved for section 11 assistance to determine the continuing need for such assistance.

A proposed apportionment formula

A. The number of free or reduced-price lunches are now being served to needy children in the various States and territories is one measure of the relative need for special assistance. However, the actual performance with respect to the service of such meals also, in part, is a measure of the State's or community's ability to finance the service of such meals.

B. It is proposed, therefore, that an apportionment formula for the division of such funds be based upon the number of free or reduced-price meals being served to needy children, adjusted for the ability of a State to finance such meals as measured by the relationship of the national average per capita income to the per capita income of the various States. Because of the atypical situation in the territories

(Puerto Rico, Virgin Islands, Guam, and American Samoa), a special reserve would be established for them.

C. Three percent of the total appropriation under section 11 will be reserved for use by the territories. Of the remaining amount, 50 percent would be initially apportioned to the States under the formula described above. Another 25 percent of such funds would be apportioned in a similar fashion and would be advanced to any State proving the need for additional funds over and above its initial apportionment. The remaining 25 percent of the funds would be held in reserve by the Department to be equitably distributed among those States demonstrating a need for funds in excess of their initial and reserve apportionments.

Guidelines for the selection of schools

Administrative regulations of the Department will provide that State educational agencies (or the Department in the case of private schools) will select schools for participation in the section 11 program on the basis of a special application which will provide information on the following:

1. The special economic conditions of the community or the school which makes special assistance necessary to meet the requirements for participation in the school lunch program, especially the free or reduced-price requirement for needy children.

2. The percentage of free or reduced-price lunches being served or needed to be served. Priority would go to these schools needing to serve, or serving, at least 25 percent of lunches to such needy children, provided a need for special assistance is demonstrated.

3. The full price of the lunch to paying children, as an additional guide to the general economic conditions of the community or the school. In our minds a question should be raised concerning the eligibility of a school for special assistance if the full price of the lunch was in excess of the statewide average and we would expect the price to generally be less than the statewide average in these types of schools. A high lunch price, in relation to the economic conditions of the school, could result in an excessively large demand for free or reduced price lunches and could well be an indication of poor management.

4. Assurance that any token charge made to needy children in order to encourage independence will not preclude participation by those children who need to receive a free lunch in order to participate.

5. The financial position of the school lunch program to show the need for special Federal assistance in order to operate a lunch program in view of the number of needy children in the school. For presently participating schools, the application would show the revenue to the lunch program during the past year from Federal, State, and local sources, and the yearend financial position of the lunch program. These data would be analyzed in relationship to the information obtained under point (2) concerning the number of free or reduced-price meals that need to be served to those children unable to pay the full price.

THE SITUATION IN ALASKA

1. Alaska is one of the States which will receive a smaller proportion of the total funds made available for cash food assistance under the provisions of the National School Lunch Act if H.R. 1165 is enacted into law.

2. The reduction in the share of the total funds to Alaska (and other States in a similar situation) is primarily due to the relatively low level of participation in the school lunch program. On the average, about 17 percent of the school-age population in Alaska is participating in the school lunch program, compared with a national average of 32 percent and a peak of 69 percent in Louisiana and 65 percent in Hawaii.

3. It is recognized that some schools in Alaska may have a special problem with respect to the general cost of living and, in this case, the general cost of food purchased for school lunch purposes. On the other hand, per capita income is high in Alaska as are wage rates in manufacturing. The proposed apportionment formula does benefit Alaska because the State is treated on the same basis as all other States having a per capita income higher than the national average.

4. It is further recognized that to adjust the apportionment formula for any single State, based upon food costs, might well open the door for a similar request on the part of any other State which believes its situation is somewhat different from that of the national average.

5. It is believed that the most essential current need is to revise the apportionment formula to overcome the inequities arising from the varying levels of school lunch participation among the various States. After sufficient experience has been gained in this major revision, the committee and the Department of Agriculture would be in a better position to subsequently evaluate the need for further adjustments in the distribution of school lunch funds to Alaska.

6. Some of the more serious problems in Alaska might well be solved under the provision of the new section 11, which provides additional assistance to those schools demonstrating a special economic need. Experience under this new authority will place the committee and the Department in a better position to evaluate the need for further revisions in the National School Lunch Act.

SECTION-BY-SECTION SUMMARY OF THE BILL

SECTION 1

This section makes only one significant change in section 3 of the National School Lunch Act (hereafter referred to as the "act"), although it rewrites section 3 of the act in its entirety. Section 3 of the act authorizes appropriations to carry out the provisions of the act. The change is to make it explicit that the provisions of section 3 do not apply to new section 11, which is added to the act by the bill and provides for special assistance to schools drawing attendance from areas in which poor economic conditions exist.

SECTION 2

Section 2 of the bill revises the formula prescribed in section 4 of the act for the apportionment of cash assistance funds among the States.

Section 4 of the act now provides that the apportionment of such funds shall be based upon the relative numbers of school-age children in the States and the relative needs of the States for assistance as measured by their per capita incomes.

The bill would base the apportionment of cash assistance funds to each State on two factors, the "participation rate" and the "assistance

need rate" for the State. The "participation rate" for a State is the number of lunches served in schools in the State participating in the school lunch program under the act in the preceding fiscal year. (The term itself is defined in proposed section 12(d)(5) of the act.) The only lunches that would be counted for the purpose of determining the participation rate for a State are lunches consisting of a combination of foods and meeting the minimum requirements of what is generally referred to as the "type A" lunch. Thus, the "type C" (milk only) lunch would not be counted for this purpose.

The "assistance need rate" for all the States would range from 5 to 9, both inclusive, and would be based on relative average annual per capita incomes of the States. States with an average annual per capita income equal to or greater than the national average would have an assistance need rate of 5. States with an average annual per capita income less than the national average would range above 5 through 9; the lower their average annual per capita income the greater their assistance need rate. Data for the most recent 3-year period would be used in determining the average annual per capita income of each State. The term "assistance need rate" is defined in proposed section 12(d)(6) which would be added to the act by the bill.

The amount that any State would receive for any fiscal year in which the method of apportionment provided in the bill is in full operation would be determined as follows: The participation rate for the State would be multiplied by the State's assistance need rate. The product thus determined would be divided by the sum of such products for all the States. The amounts available for cash assistance under section 3 of the act for the fiscal year in question would then be multiplied by the quotient determined under the preceding sentence and the product thus obtained would be the apportionment to the State of cash assistance funds.

Under the bill, fiscal year 1963 is a period of transition from the old method of apportionment to the new method described immediately above. In that year, if the bill is enacted into law, one-half of the cash assistance funds appropriated pursuant to section 3 would be apportioned under the method now in effect and one-half of such funds would be apportioned under the new method provided in the bill.

Under section 4 of the act, as now in effect, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands are treated differently from the several States and the District of Columbia in the apportionment of cash assistance funds. Section 4, as it would be rewritten by the bill, would result in the Commonwealth of Puerto Rico, and the possessions of the United States which are included within the scope of the act receiving benefits on the same basis as the several States and the District of Columbia; except that American Samoa (which the bill would make eligible to participate in the program for the first time) would receive an automatic apportionment of \$25,000 for each of the 5 fiscal years in the period beginning July 1, 1962, and ending June 30, 1967.

Section 4 of the act, as now in effect, contains a definition of the term "school". The bill transfers this definition, without change, to proposed section 12(d)(7) so as to group it with the definitions of other terms used in the act.

SECTION 3

Subsection (a) of section 3 repeals the last sentence of section 5 of the act. This amendment is made in order to conform with the changes made by the bill in section 4 of the act.

Subsection (b) makes a technical amendment to exclude amounts appropriated pursuant to proposed section 11 (which would be added to the act by the bill) from the amounts available to the Secretary of Agriculture for purchase of agricultural commodities and other foods for the school lunch program.

SECTION 4

This section amends section 10 of the act which provides for direct disbursement by the Secretary of Agriculture of funds for school lunch programs in nonprofit private schools which are located in States where the State educational agency is not permitted by law to disburse funds to nonprofit private schools or in States which cannot match Federal funds made available for nonprofit private schools. In the case of such States, section 10, as now in effect, reserves from a State's total apportionment for such disbursement an amount based on relative numbers of students attending nonprofit private schools and public schools. As amended by the bill, the amount available for disbursement by the Secretary to nonprofit private schools in such a State from the State's apportionment for any fiscal year would be determined on the basis of the relative numbers of school lunches served under the act in the preceding fiscal year by nonprofit private schools and by public schools in such State. Only type A lunches would be used for the purpose of determining the numbers of lunches served by both categories of schools.

SECTION 5

This section redesignates section 11 of the act as section 12 and rewrites subsections (c) and (d) thereof. The only change made in subsection (c) is to omit the last sentence.

Subsection (d) contains definitions of terms used in the act. All of the substantive changes made by the bill in this subsection have been dealt with earlier in this section-by-section summary.

SECTION 6

This section of the bill adds a new section 11 to the act. The proposed section 11 would authorize the appropriation of such funds as may be necessary to enable the Secretary of Agriculture to provide special assistance to schools drawing attendance from areas in which poor economic conditions exist, in order to help those schools to meet the requirements of the act relating to the service of lunches to children unable to pay the full cost thereof.

SECTION 7

Section 7 provides that the amendments made to the act by the bill will take effect on July 1, 1962.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

NATIONAL SCHOOL LUNCH ACT

AN ACT To provide assistance to the States in the establishment, maintenance, operation, and expansion of school-lunch programs, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National School Lunch Act."

DECLARATION OF POLICY

SEC. 2. It is hereby declared to be the policy of Congress, as a measure of national security, to safeguard the health and well-being of the Nation's children and to encourage the domestic consumption of nutritious agricultural commodities and other food, by assisting the States, through grants-in-aid and other means, in providing an adequate supply of foods and other facilities for the establishment, maintenance, operation, and expansion of nonprofit school-lunch programs.

APPROPRIATIONS AUTHORIZED

SEC. 3. For each fiscal year **[**, beginning with the fiscal year ending June 30, 1947,**]** there is hereby authorized to be appropriated, out of money in the Treasury not otherwise appropriated, such sums as may be necessary to enable the Secretary of Agriculture (hereinafter referred to as the "Secretary") to carry out the provisions of this Act, *other than section 11.*

APPORTIONMENTS TO STATES

SEC. 4. The sums appropriated for any fiscal year pursuant to the authorization contained in section 3 of this Act, excluding the sum specified in section 5, shall be available to the Secretary for supplying **[**, during such fiscal year,**]** agricultural commodities and other foods for the **[**school-lunch**]** program in accordance with the provisions of this Act. The Secretary shall apportion among the States during each fiscal year not less than 75 per centum of the **[**aforesaid**]** funds made available for such year for supplying agricultural commodities and other foods under the provisions of *section 3* of this Act. **[**The total of such apportionments of funds for use in Puerto Rico, Guam, and the Virgin Islands shall not exceed 3 per centum of the funds appropriated for agricultural commodities and other foods for the school-lunch program; except that in the case of the first apportionments of funds from any annual or supplemental appropriation (and only in such case), the apportionment for Puerto Rico, the apportionment for Guam, and the apportionment for the Virgin Islands, shall be not less than that amount which will result in an allotment per child of school age equal to the allotment per child of school age in the State (other

than Puerto Rico, Guam, and the Virgin Islands) having the lowest per capita income among the States participating in such first apportionments. Apportionment among the States shall be made on the basis of two factors: (1) The number of school children in the State and (2) the need for assistance in the State as indicated by the relation of the per capita income in the United States to the per capita income in the State.】 *Apportionment among the States shall be made on the basis of two factors: (1) the participation rate for the State, and (2) the assistance need rate for the State.* The amount of 【the initial】 apportionment to any State shall be determined by the following method: First, determine an index for the State by multiplying factors (1) and (2); second, divide this index by the sum of the indices for all the States (*exclusive of American Samoa for periods ending before July 1, 1967*); and 【, finally,】 *third*, apply the figure thus obtained to the total funds to be apportioned. 【For the purpose of this section, the number of school children in the State shall be the number of children therein between the ages of five and seventeen, inclusive; such figures and per capita income figures shall be the latest figures certified by the Department of Commerce. For the purposes of this Act, "school" means any public or nonprofit private school of high-school grade or under and, with respect to Puerto Rico, shall also include nonprofit child-care centers certified as such by the Governor of Puerto Rico.】 If any State cannot utilize all funds so apportioned to it, or if additional funds are 【available under this Act】 *made available under section 3* for apportionment among the States, the Secretary shall make further apportionments to the remaining States in the same manner. *Notwithstanding the foregoing provisions of this section, (1) for the fiscal year beginning July 1, 1962, one-half of any funds available for apportionment among the States shall be apportioned in the manner used prior to such fiscal year, and one-half of any such funds shall be apportioned in accordance with the foregoing provisions of this section, and (2) for the five fiscal years in the period beginning July 1, 1962, and ending June 30, 1967, the amount apportioned to American Samoa shall be \$25,000 each year, which amount shall be first deducted from the funds available for apportionment in determining the amounts to be apportioned to the other States.*

NONFOOD ASSISTANCE

SEC. 5. Of the sums appropriated for any fiscal year pursuant to the authorization contained in section 3 of this Act, \$10,000,000 shall be available to the Secretary for the purpose of providing, during such fiscal year, nonfood assistance for the school-lunch program pursuant to the provisions of this Act. The Secretary shall apportion among the States during each fiscal year the aforesaid sum of \$10,000,000, and such apportionment among the States shall be on the basis of the factors, and in accordance with the standards, set forth in section 4 with respect to the apportionment for agricultural commodities and other foods. 【Apportionments of funds for use in Puerto Rico, Guam, and the Virgin Islands for nonfood assistance shall be determined subject to the provisions of the third sentence of section 4.】

DIRECT FEDERAL EXPENDITURES

SEC. 6. The funds appropriated for any fiscal year for carrying out the provisions of this Act, less not to exceed 3½ per centum thereof hereby made available to the Secretary for his administrative expenses

[and less], less the amount apportioned by him pursuant to sections 4, 5, and 10, and less the amount appropriated pursuant to section 11, shall be available to the Secretary during such year for direct expenditure by him for agricultural commodities and other foods to be distributed among the States and schools participating in the school-lunch program under this Act in accordance with the needs as determined by the local school authorities. The provisions of law contained in the proviso of the Act of June 28, 1937 (50 Stat. 323), facilitating operations with respect to the purchase and disposition of surplus agricultural commodities under section 32 of the Act approved August 24, 1935 (49 Stat. 774), as amended, shall, to the extent not inconsistent with the provisions of this Act, also be applicable to expenditures of funds by the Secretary under this Act.

PAYMENTS TO STATES

SEC. 7. Funds apportioned to any State pursuant to section 4 or 5 during any fiscal year shall be available for payment to such State for disbursement by the State educational agency, in accordance with such agreements not inconsistent with the provisions of this Act, as may be entered into by the Secretary and such State educational agency, for the purpose of assisting schools of that State during such fiscal year, in supplying (1) agricultural commodities and other foods for consumption by children and (2) nonfood assistance in furtherance of the school-lunch program authorized under this Act. Such payments to any State in any fiscal year during the period 1947 to 1950, inclusive, shall be made upon condition that each dollar thereof will be matched during such year by \$1 from sources within the State determined by the Secretary to have been expended in connection with the school-lunch program under this Act. Such payments in any fiscal year during the period 1951 to 1955, inclusive, shall be made upon condition that each dollar thereof will be so matched by one and one-half dollars; and for any fiscal year thereafter, such payments shall be made upon condition that each dollar will be so matched by \$3. In the case of any State whose per capita income is less than the per capita income of the United States, the matching required for any fiscal year shall be decreased by the percentage which the State per capita income is below the per capita income of the United States. For the purpose of determining whether the matching requirements of this section and section 10, respectively, have been met, the reasonable value of donated services, supplies, facilities, and equipment as certified, respectively, by the State educational agency and in case of schools receiving funds pursuant to section 10, by such schools (but not the cost or value of land, of the acquisition, construction, or alteration of buildings of commodities donated by the Secretary, or of Federal contributions), may be regarded as funds from sources within the State expended in connection with the school-lunch program. The Secretary shall certify to the Secretary of the Treasury from time to time the amounts to be paid to any State under this section and the time or times such amounts are to be paid; and the Secretary of the Treasury shall pay to the State at the time or times fixed by the Secretary the amounts so certified.

STATE DISBURSEMENT TO SCHOOLS

SEC. 8. Funds paid to any State during any fiscal year pursuant to section 4 or 5 shall be disbursed by the State educational agency, in accordance with such agreements approved by the Secretary as may be entered into by such State agency and the schools in the State, to those schools in the State which the State educational agency, taking into account need and attendance, determines are eligible to participate in the school-lunch program. Such disbursement to any school shall be made only for the purpose of reimbursing it for the cost of obtaining agricultural commodities and other foods for consumption by children in the school-lunch program and nonfood assistance in connection with such program. Such food costs may include, in addition to the purchase price of agricultural commodities and other foods, the cost of processing, distributing, transporting, storing, or handling thereof. In no event shall such disbursement for food to any school for any fiscal year exceed an amount determined by multiplying the number of lunches served in the school in the school-lunch program under this Act during such year by the maximum Federal food-cost contribution rate for the State, for the type of lunch served, as prescribed by the Secretary.

NUTRITIONAL AND OTHER PROGRAM REQUIREMENTS

SEC. 9. Lunches served by schools participating in the school-lunch program under this Act shall meet minimum nutritional requirements prescribed by the Secretary on the basis of tested nutritional research. Such meals shall be served without cost or at a reduced cost to children who are determined by local school authorities to be unable to pay the full cost of the lunch. No physical segregation of or other discrimination against any child shall be made by the school because of his inability to pay. School-lunch programs under this Act shall be operated on a nonprofit basis. Each school shall, insofar as practicable, utilize in its lunch program commodities designated from time to time by the Secretary as being in abundance, either nationally or in the school area, or commodities donated by the Secretary. Commodities purchased under the authority of section 32 of the Act of August 24, 1935 (49 Stat. 774), as amended, may be donated by the Secretary to schools, in accordance with the needs as determined by local school authorities, for utilization in the school-lunch program under this Act as well as to other schools carrying out nonprofit school-lunch programs and institutions authorized to receive such commodities.

NONPROFIT PRIVATE SCHOOLS

SEC. 10. If, in any State, the State educational agency is not permitted by law to disburse the funds paid to it under this Act to nonprofit private schools in the State, or is not permitted by law to match Federal funds made available for use by such nonprofit private schools, the Secretary shall withhold from the funds apportioned to any such State under sections 4 and 5 of this Act [the same proportion of the funds as the number of children between the ages of five and seventeen, inclusive, attending nonprofit private schools within the State is of the total number of persons of those ages within the State

attending school] *an amount which bears the same ratio to such funds as the number of lunches, consisting of a combination of foods and meeting the minimum requirements prescribed by the Secretary pursuant to section 9, served in the preceding fiscal year by all nonprofit private schools participating in the program under this Act within the State, as determined by the Secretary, bears to the participation rate for the State.* The Secretary shall disburse the funds so withheld directly to the nonprofit private schools within said State for the same purposes and subject to the same conditions as are authorized or required with respect to the disbursements to schools within the State by the State educational agency, including the requirement that any such payment or payments shall be matched, in the proportion specified in section 7 for such State, by funds from sources within the State expended by nonprofit private schools within the State participating in the school-lunch program under this Act. Such funds shall not be considered a part of the funds constituting the matching funds under the terms of section 7.

SPECIAL ASSISTANCE

SEC. 11. There is hereby authorized to be appropriated such sums as may be necessary to enable the Secretary, under such terms and conditions as he deems to be in the public interest, to provide special assistance to schools drawing attendance from areas in which poor economic conditions exist, for the purpose of helping such schools to meet the requirements established in this Act concerning the service of lunches to children unable to pay the full cost of such lunches.

MISCELLANEOUS PROVISIONS AND DEFINITIONS

SEC. [11] 12. (a) States, State educational agencies, and schools participating in the school-lunch program under this Act shall keep such accounts and records as may be necessary to enable the Secretary to determine whether the provisions of this Act are being complied with. Such accounts and records shall at all times be available for inspection and audit by representatives of the Secretary and shall be preserved for such period of time, not in excess of five years, as the Secretary determines is necessary.

(b) The Secretary shall incorporate, in his agreements with the State educational agencies, the express requirements under this Act with respect to the operation of the school-lunch program under this Act insofar as they may be applicable and such other provisions as in his opinion are reasonably necessary or appropriate to effectuate the purposes of this Act.

(c) In carrying out the provisions of this Act, neither the Secretary nor the State shall impose any requirement with respect to teaching personnel, curriculum, instruction, methods of instruction, and materials of instruction in any school. [If a State maintains separate schools for minority and for majority races, no funds made available pursuant to this Act shall be paid or disbursed to it unless a just and equitable distribution is made within the State, for the benefit of such minority races, of funds paid to it under this Act.]

(d) For the purposes of this Act—

[(1) "State" includes any of the forty-eight States, the District Columbia, Hawaii, Alaska, Puerto Rico, Guam, and the Virgin Islands.]

(1) "State" means any of the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, or American Samoa.

(2) "State educational agency" means, as the State legislature may determine, [(a)](A) the chief State school officer (such as the State superintendent of public instruction, commissioner of education, or similar officer), or [(b)](B) a board of education controlling the State department of education [; except that in the District of Columbia it shall mean the Board of Education, and except that for the period ending June 30, 1948, "State educational agency" may mean any agency or agencies within the State designated by the Governor to carry out the functions herein required of a State educational agency].

(3) "Nonprofit private school" means any private school exempt from income tax under section [101(6)] 501(c)(3) of the Internal Revenue Code [, as amended] of 1954.

(4) "Nonfood assistance" means equipment used [on school premises] by schools in storing, preparing, or serving food for school children.

(5) "Participation rate" for a State means a number equal to the number of lunches, consisting of a combination of foods and meeting the minimum requirements prescribed by the Secretary pursuant to section 9, served in the preceding fiscal year by schools participating in the program under this Act in the State, as determined by the Secretary.

(6) "Assistance need rate" (A) in the case of any State having an average annual per capita income equal to or greater than the average annual per capita income for all the States, shall be 5; and (B) in the case of any State having an average annual per capita income less than the average annual per capita income for all the States, shall be the product of 5 and the quotient obtained by dividing the average annual per capita income for all the States by the average annual per capita income for such State, except that such product may not exceed 9 for any such State. For the purposes of this paragraph (i) the average annual per capita income for any State and for all the States shall be determined by the Secretary on the basis of the average annual per capita income for each State and for all the States for the three most recent years for which such data are available and certified to the Secretary by the Department of Commerce; and (ii) the average annual per capita income for American Samoa shall be disregarded in determining the average annual per capita income for all the States for periods ending before July 1, 1967.

(7) "School" means any public or nonprofit private school of high school grade or under and, with respect to Puerto Rico, shall also include nonprofit child-care centers certified as such by the Governor of Puerto Rico.

Union Calendar No. 706

87TH CONGRESS
2D SESSION

H. R. 11665

[Report No. 1673]

IN THE HOUSE OF REPRESENTATIVES

MAY 9, 1962

Mr. BAILEY introduced the following bill; which was referred to the Committee on Education and Labor

MAY 14, 1962

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

To revise the formula for apportioning cash assistance funds among the States under the National School Lunch Act, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 3 of the National School Lunch Act is amended
4 to read as follows:

5 “APPROPRIATIONS AUTHORIZED

6 “SEC. 3. For each fiscal year there is hereby authorized
7 to be appropriated, out of money in the Treasury not other-
8 wise appropriated, such sums as may be necessary to enable
9 the Secretary of Agriculture (hereinafter referred to as the

1 'Secretary') to carry out the provisions of this Act, other
2 than section 11."

3 SEC. 2. Section 4 of the National School Lunch Act is
4 amended to read as follows:

5 "APPORTIONMENTS TO STATES

6 "SEC. 4. The sums appropriated for any fiscal year
7 pursuant to the authorization contained in section 3 of this
8 Act, excluding the sum specified in section 5, shall be avail-
9 able to the Secretary for supplying agricultural commodities
10 and other foods for the program in accordance with the
11 provisions of this Act. The Secretary shall apportion
12 among the States during each fiscal year not less than
13 75 per centum of the funds made available for such year
14 for supplying agricultural commodities and other foods
15 under the provisions of section 3 of this Act. Apportion-
16 ment among the States shall be made on the basis of two
17 factors: (1) the participation rate for the State, and (2)
18 the assistance need rate for the State. The amount of ap-
19 portionment to any State shall be determined by the follow-
20 ing method: First, determine an index for the State by multi-
21 plying factors (1) and (2); second, divide this index by
22 the sum of the indices for all the States (exclusive of Ameri-
23 can Samoa for periods ending before July 1, 1967); and
24 third, apply the figure thus obtained to the total funds to be
25 apportioned. If any State cannot utilize all funds so ap-

1 portioned to it, or if additional funds are made available
2 under section 3 for apportionment among the States, the Sec-
3 retary shall make further apportionments to the remaining
4 States in the same manner. Notwithstanding the foregoing
5 provisions of this section, (1) for the fiscal year beginning
6 July 1, 1962, one-half of any funds available for appor-
7 tionment among the States shall be apportioned in the manner
8 used prior to such fiscal year, and one-half of any such funds
9 shall be apportioned in accordance with the foregoing provi-
10 sions of this section, and (2) for the five fiscal years in the
11 period beginning July 1, 1962; and ending June 30, 1967,
12 the amount apportioned to American Samoa shall be \$25,000
13 each year, which amount shall be first deducted from the
14 funds available for apportionment in determining the
15 amounts to be apportioned to the other States.”

16 SEC. 3. (a) Section 5 of the National School Lunch Act
17 is amended by striking out the last sentence thereof.

18 (b) Section 6 of the National School Lunch Act is
19 amended by striking out “and less the amount apportioned
20 to him pursuant to sections 4, 5, and 10” and inserting in
21 lieu thereof the following: “, less the amount apportioned by
22 him pursuant to sections 4, 5, and 10, and less the amount
23 appropriated pursuant to section 11”.

24 SEC. 4. Section 10 of the National School Lunch Act
25 is amended by striking out “the same proportion of the funds

1 as the number of children between the ages of 5 and 17,
2 inclusive, attending nonprofit private schools within the State
3 is of the total number of persons of those ages within the
4 State attending school” and inserting in lieu thereof the
5 following: “an amount which bears the same ratio to such
6 funds as the number of lunches, consisting of a combination
7 of foods and meeting the minimum requirements prescribed
8 by the Secretary pursuant to section 9, served in the preced-
9 ing fiscal year by all nonprofit private schools participating
10 in the program under this Act within the State, as deter-
11 mined by the Secretary, bears to the participation rate for
12 the State”.

13 SEC. 5. Section 11 of the National School Lunch Act
14 is redesignated as section 12 and subsections (c) and (d)
15 thereof are amended to read as follows:

16 “(c) In carrying out the provisions of this Act, neither
17 the Secretary nor the State shall impose any requirement
18 with respect to teaching personnel, curriculum, instruction,
19 methods of instruction, and materials of instruction in any
20 school.

21 “(d) For the purposes of this Act—

22 “(1) ‘State’ means any of the fifty States, the Dis-
23 trict of Columbia, the Commonwealth of Puerto Rico,
24 the Virgin Islands, Guam, or American Samoa.

25 “(2) ‘State educational agency’ means, as the State

1 legislature may determine, (A) the chief State school
2 officer (such as the State superintendent of public instruc-
3 tion, commissioner of education, or similar officer), or
4 (B) a board of education controlling the State depart-
5 ment of education.

6 “(3) ‘Nonprofit private school’ means any private
7 school exempt from income tax under section 501 (c) (3)
8 of the Internal Revenue Code of 1954.

9 “(4) ‘Nonfood assistance’ means equipment used
10 by schools in storing, preparing, or serving food for
11 schoolchildren.

12 “(5) ‘Participation rate’ for a State means a num-
13 ber equal to the number of lunches, consisting of a com-
14 bination of foods and meeting the minimum requirements
15 prescribed by the Secretary pursuant to section 9, served
16 in the preceding fiscal year by schools participating in
17 the program under this Act in the State, as determined
18 by the Secretary.

19 “(6) ‘Assistance need rate’ (A) in the case of any
20 State having an average annual per capital income equal
21 to or greater than the average annual per capita income
22 for all the States, shall be 5; and (B) in the case of any
23 State having an average annual per capita income less
24 than the average annual per capita income for all the
25 States, shall be the product of 5 and the quotient obtained

1 by dividing the average annual per capita income for
2 all the States by the average annual per capita income for
3 such State, except that such product may not exceed 9
4 for any such State. For the purposes of this paragraph
5 (i) the average annual per capita income for any State
6 and for all the States shall be determined by the Secre-
7 tary on the basis of the average annual per capita income
8 for each State and for all the States for the three most
9 recent years for which such data are available and certi-
10 fied to the Secretary by the Department of Commerce;
11 and (ii) the average annual per capita income for
12 American Samoa shall be disregarded in determining the
13 average annual per capita income for all the States for
14 periods ending before July 1, 1967.

15 “(7) ‘School’ means any public or nonprofit private
16 school of high school grade or under and, with respect
17 to Puerto Rico, shall also include nonprofit child-care
18 centers certified as such by the Governor of Puerto
19 Rico.”

20 SEC. 6. The National School Lunch Act is further
21 amended by inserting immediately after section 10 thereof
22 the following new section:

1 "SPECIAL ASSISTANCE

2 "SEC. 11. There is hereby authorized to be appropriated
3 such sums as may be necessary to enable the Secretary,
4 under such terms and conditions as he deems to be in the
5 public interest, to provide special assistance to schools draw-
6 ing attendance from areas in which poor economic conditions
7 exist, for the purpose of helping such schools to meet the
8 requirements established in this Act concerning the service of
9 lunches to children unable to pay the full cost of such
10 lunches."

11 SEC. 7. The amendments made by this Act shall take
12 effect on July 1, 1962.

87TH CONGRESS
2^D SESSION

H. R. 11665

[Report No. 1673]

A BILL

To revise the formula for apportioning cash assistance funds among the States under the National School Lunch Act, and for other purposes.

By Mr. BAILEY

MAY 9, 1962

Referred to the Committee on Education and Labor

MAY 14, 1962

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For information only;
should not be quoted
or cited)

Issued May 22, 1962
For actions of May 21, 1962
87th-2d, No. 80

CONTENTS

Appropriations.....10	Federal aid.....29	Public works.....6,34
Atomic energy.....10	Finances.....19	Reclamation.....35
Banking.....23	Food stamps.....14	Retirement.....32
Census.....18	Foreign aid.....16,33	School lunch.....5,13
Centennials.....9	Foreign trade.....15	Seeds.....2
Consumers.....32	Health care.....21	Stockpiling.....7
Corn tassel.....27	Homesteads.....22	Taxation.....4,35
Cotton.....1	Lands.....11,31	Textiles.....1
Dairy industry.....25	Libraries.....30	Transportation.....17
Education.....37	Life insurance.....20	Water pollution.....8
Farm program.....3,12,26	Personnel.....20,28,32	Watersheds.....24

HIGHLIGHTS: Senate began debate on farm bill. House passed bill for disposal of stocks of extra long staple cotton. House passed bill to prohibit importation of seed screenings.

HOUSE

1. COTTON. Passed as reported H. R. 10595, to facilitate the sale and disposal of Government stocks of extra long staple cotton. The committee report states:

"This proposed legislation, with the minor committee amendments, authorizes the sale of the remaining 219,000 bales of stockpile extra long staple cotton. The Department of Agriculture is given custody and sales authority. The Secretary, however, will not be required to obtain the concurrence of other interested departments and agencies in establishing periodical foreign disposal quotas and will be required to sell the foreign cotton at world market prices. The portion of the total consisting of about 47,500 bales of domestic grown cotton is to be sold domestically at not below the same minimum price for current sales of domestic production. The foreign-grown cotton consisting of about 172,000 bales is to be sold abroad, either commercially or by the use of the provisions of the Agricultural Trade Development and Assistance Act of 1954, as amended (Public Law

480). Foreign disposals will not count as exports in establishing national marketing quotas. Net sales proceeds are to be transferred to the miscellaneous receipts of the Treasury."

Rep. Hemphill discussed the plight of the textile industry and the price differential on cotton imports, saying, "It is manifestly unfair to domestic producers to force them to pay more for their raw product than foreign producers pay." p. 8183

2. SEEDS. Passed without amendment H. R. 5546, to amend the Federal Seed Act, as amended, so as to prohibit the importation of any type of seed screenings. p. 8171
3. FARM PROGRAM. Rep. Berry criticized the USDA's role in the Estes case and said, "Congress owes the American people a precise searching analysis and answers to many important questions." p. 8194
4. TAXATION. Rep. Harsha criticized a charge by Mortimer Chapin, Commissioner of IRS, that American farmers fail to report an estimated \$4 billion a year in taxable income, saying, "to categorically say that the American farmers are evading income taxes is a serious charge and he should either prove it or apologize." p. 8170
5. SCHOOL LUNCH. At the request of Rep. Bailey, removed from the Consent Calendar H. R. 8962, to revise the formula for apportioning cash assistance funds among the States under the National School Lunch Act, since the committee has reported a revised bill, H. R. 11665. p. 8170
6. PUBLIC WORKS. Passed without amendment H. J. Res. 688, providing for the designation of the week commencing October 14, 1962, as "National Public Works Week." p. 8171
7. STOCKPILING. At the request of Rep. McFall, passed over without prejudice H. Con. Res. 473, providing the express approval of the Congress, pursuant to section 3(e) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98b(e)), for the disposition of certain materials from the national stockpile. p. 8174
8. WATER POLLUTION. Passed as reported H. R. 10617, providing that the United States district courts shall have jurisdiction of certain cases involving pollution of interstate river systems, and providing for the venue thereof. pp. 8175-6
9. CENTENNIALS. Rep. Pfof discussed the centennial of the Homestead Act, saying, "I think the greatest contribution that the Homestead Act made was in the extension of the principle that the public lands of the United States should not be hoarded but should be developed for their highest and best use." p. 8177
10. APPROPRIATIONS; ATOMIC ENERGY. Received from the President an amendment to the budget for the fiscal year 1963 involving an increase of \$210,800,000 for the Atomic Energy Commission (H. Doc. 409). p. 8197
11. LANDS. The Government Operations Committee reported the "Fifteenth reprint pertaining to land appraisal practices" (H. Rept. 1717). p. 8198

such action as the House, in its wisdom, may see fit to take.

Sincerely yours,

FRANCIS E. WALTER,
Chairman.

The SPEAKER pro tempore. The Clerk will read the subpoena.

The Clerk read as follows:

THE PEOPLE OF THE STATE OF NEW YORK

To: DONALD APPELL, House Committee on Un-American Activities, Washington, D.C.

Greeting: We command you, that all business and excuses being laid aside, you and each of you appear and attend before Mr. Justice Abraham N. Geiler, at special and trial term part 23, room 252 of the Supreme Court of the State of New York, New York County courthouse, Foley Square, Borough of Manhattan, on the 23d day of May 1962 at 10 o'clock, in the forenoon, and at any adjourned date to testify and give evidence in a certain action now pending in the said court, then and there to be tried between John Henry Faulk, plaintiff and Aware, Inc., Laurence A. Johnson and Vincent Hartnett, defendants on the part of the said defendants and for a failure to attend you will be deemed guilty of a contempt of court, and liable to pay all damages sustained thereby to the party aggrieved, and forfeit \$50 in addition thereto.

Witness, Hon. Abraham N. Geiler, one of the justices of said supreme court, at New York County courthouse the 15th day of May 1962.

JAMES MCGURRIN, Clerk.
SAXE, BACON & O'SHEA,
Attorneys for Defendants.

Mr. WALTER. Mr. Speaker, I offer a resolution (H. Res. 650) and ask for its immediate consideration.

The Clerk read the resolution as follows:

Whereas in the case of John Henry Faulk, plaintiff, and Aware, Inc., Laurence A. Johnson and Vincent Hartnett, defendants, pending in the Supreme Court of the State of New York, New York County, a subpoena was issued upon the application of Saxe, Bacon, and O'Shea, attorneys for the defendant, and addressed to Donald Appel, a staff investigator for the Committee on Un-American Activities, United States House of Representatives, directing him to appear to testify and give evidence before the said court on the 23d day of May 1962, at 10 o'clock in the forenoon, at Part 23, Room 252 of the Supreme Court of New York, New York County Courthouse, Foley Square, Borough of Manhattan; and

Whereas by the privileges of the House of Representatives no staff employee is authorized to appear and testify, but by order of the House: Therefore be it

Resolved, That Donald Appell, a staff investigator for the Committee on Un-American Activities, United States House of Representatives, is hereby authorized to appear at the place and before the court named in the subpoena before mentioned to testify to any matter determined by the court to be material and relevant for the purpose of identification of any document or documents provided said document or documents have previously been made available to the general public; but said Donald Appell shall respectfully decline to testify concerning any and all matters that may be based on knowledge acquired by him in his official capacity, either by reason of documents and papers appearing in the files of the said Committee on Un-American Activities, including any minutes or transcripts of executive sessions or any evidence of witnesses in respect thereto, or by virtue of conversations or communications with any person or persons, as such

testimony is within the privilege of the House of Representatives; and be it further

Resolved, That a copy of this resolution be transmitted to the said court as a respectful answer to the subpoena before mentioned.

The resolution was agreed to.

A motion to reconsider was laid on the table.

BURLEY IRRIGATION DISTRICT

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 9647) to authorize the Secretary of the Interior to enter into an amendatory contract with the Burley Irrigation District, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment as follows:

Page 2, line 15, strike out "designed" and insert "defined".

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

ARMY DISTAFF FOUNDATION

Mr. McMILLAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2838) to exempt from taxation certain property of the Army Distaff Foundation, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments as follows:

Page 3, line 13, after "all" insert "real property".

Page 3, after line 20, insert:

"Sec. 2. The tax exemption authorized by this Act shall become effective on the first day of the fiscal year next following the completion of construction by the Army Distaff Foundation of facilities necessary to carry out the purposes of the foundation as described in its certificate of incorporation. *Provided*, That such exemption shall, in no event, be applicable to any fiscal year prior to the fiscal year commencing July 1, 1962, and ending June 30, 1963."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina.

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

SALE OF CERTAIN PROPERTY OWNED BY DISTRICT OF COLUMBIA IN PRINCE WILLIAM COUNTY, VA.

Mr. McMILLAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 9699) to authorize the Commissioners of the District of Columbia to sell certain property owned by the District of Columbia

located in Prince William County, Va., with an amendment of the Senate thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment as follows:

Page 1, line 6, after "value" insert "to Prince William County, Virginia, or to a non-profit corporation designated by the board of supervisors of such county".

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

HONG KONG REFUGEES

(Mr. WALTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and to include an editorial.)

Mr. WALTER. Mr. Speaker, the Washington Post of yesterday contains a very illuminating article by Murrey Marder concerning the situation in Hong Kong.

My colleagues serving with me on the immigration subcommittee of the Committee on the Judiciary discussed the article extensively this morning.

It seems to us that all of our colleagues in the House can examine this piece profitably because out of it we will, perhaps, get some idea of how we can take advantage—and by "we" I mean the free world—of the situation which demonstrates beyond any peradventure of a doubt the failure of the Communist system of government. We, of course, are in no position to absorb any significant number of these people, but it seems to me that Generalissimo Chiang Kai-shek could deal an almost mortal blow to the Communist Chinese regime if he would find it possible to welcome to the China that he speaks for a significant number of the refugees, who by their flight from the Chinese mainland attest to the utter failure of the Communist rule. In that connection I am sure the American people would very gladly make available to the hungry refugees those agricultural surpluses which are so abundant in this country.

It was encouraging to me to see this morning an Associated Press dispatch from Taipei stating that the Government of China is considering a massive relocation program for the Chinese refugees in Hong Kong and is apparently willing to welcome to Taiwan all those refugees who wanted to leave Hong Kong.

The newspaper article referred to is as follows:

RED CHINESE PUZZLE—UNITED STATES SEEKS TO ASSIST HONG KONG REFUGEES

(By Murrey Marder)

United States policymakers are groping for some possible way to contribute humanitarian assistance for the mass of starving Chinese refugees attempting to pour into Hong Kong from the Communist mainland.

The Kennedy administration, from the President to Secretary of State Dean Rusk and top-rank planners, is giving serious thought to the refugee dilemma.

But so far the only answer is that it is truly a Chinese puzzle, with dimensions and implications of unknown scope, which Red Chinese themselves must solve.

Even though Red China has designated the United States its No. 1 world enemy and pours vitriol on the administration's head daily, the United States has a long record of feeding the hungry in humanity's name. American food storage capacity is bursting with plenty, with stocks which cost billions of dollars to store, often spoiling for want of consumption.

If Red China were to make some request for international assistance on humanitarian grounds, the United States very likely would join to help feed the hungry refugees clamoring at the border of Hong Kong, informed sources indicate.

Red China has made no such move. Many experts believe she never will, for fear that doing so could be regarded as gross confession of error that the "great leap forward" has turned into "the great leap outward."

At the same time, the world is witnessing the bitter anomaly of a Communist wall erected in Berlin to keep refugees from fleeing the East, and a Western wall being expanded in Hong Kong to keep refugees from reaching the West.

There is great admiration here for the effort which the British and their Crown Colony of Hong Kong have made to accept thousands of refugees in its tightly packed area.

Hong Kong has absorbed about a million and a half refugees from China in the last 14 years. In the last few weeks alone about 30,000 refugees are believed to have come in, most of them illegally. Unchecked, the flow could virtually sink the Hong Kong colony.

Anything the United States might do, officials here point out, necessarily would be subordinate to British and Red Chinese action, for they control the two sides of the border.

Communist China has a population estimated at 690 million—nearly a fourth of the world's total. This Chinese population is growing at the staggering rate of nearly 16 million people a year.

In other words, each year Red China produces almost as many new people as the total population of Communist East Germany, about 16 or 17 million. The German refugee problem which existed in Berlin, therefore, was miniscule by comparison.

It is inconceivable, therefore, officials note, to think of accepting all the refugees Red China might decide to turn out. Theoretically, this figure could be in the millions, even though Communist societies, as a matter of standard policy, maintain they have no population problem as such.

There is no certainty, analysts say, why Communist China is allowing so many refugees to leave. There are only various hypotheses: to ease the strain on seriously short supplies throughout the mainland, especially in south China; to flood Hong Kong with refugees and put pressure on its existence; to embarrass the West which often purports to welcome all victims of communism, or simply because Red China is in internal decay and cannot effectively contain the deluge.

Two lines of approach are being explored here.

The main one is possibly to contribute to some kind of international arrangement to resettle some portion of the refugees. A secondary line of thought is to offer American food to Red China itself on humanitarian grounds. Each of these approaches is coupled with a host of opposing arguments.

Even if the funds are available, where can refugees be resettled?

Formosa, headquarters of the Nationalist Chinese Government of Chiang Kai-shek which dreams of regaining control of the mainland, is often suggested. But Formosa, with 10.6 million people, most of whom live on the one-fourth of the land area suitable for cultivation, has one of the world's greatest densities of population per square mile of arable land.

Moreover, Chiang is hardly likely to agree to allowing Formosa to become a safety valve to curb any internal explosion on the mainland; that is what his hopes are tied to.

Officials have looked around teeming Asia for alternatives. In almost every case, Indonesia, the Philippines, etc., there is already a huge oversea Chinese population problem, or there are other major barriers.

Most Western nations have insurmountable immigration walls. The U.S. quota for Chinese immigration is 100 a year. The United States has provided some refugee aid facilities to Hong Kong. It also has taken in several thousand refugees from there through its last Refugee Act, but that door is now closed.

Northeast Brazil has vast open areas, but also its own vast problems of poverty and unemployment. Australia, too, has huge open space. But it also has a "whites only" immigration policy. And so it goes.

What of direct U.S. food aid to Red China? Officials point to these questions:

Should the United States aid a country which daily assails it with charges that it is "scheming new plots of aggression," that it seeks "to turn all of Asia into a colony" and is headed by a President with "savage" designs on the world?

Would food aid to Red China only free her resources for building stronger communism?

Militant Red China, despite its own famine threat, is shipping several million bushels of wheat to its ideological satellite, Albania, which has broken with Moscow. Should the West, therefore, supply any grain to Red China?

What of the effect of U.S. food shipments to China on the world grain market? Canada and Australia have been selling great quantities of their surplus wheat to China.

Beyond these factors, there is a Chinese tradition, long predating communism, barring the acceptance of government-to-government gifts. The tradition is that gifts must be reciprocated in some way. Red China is likely to regard any offer, experts point out, as an attempt to embarrass her, not to aid her.

There was also, however, a curious incident in Warsaw last Thursday, in the interminable series of United States-Chinese talks. As the 110th session broke up, Chinese Communist Ambassador Wang Ping-nan concluded his meeting with U.S. Ambassador John Cabot, and told startled newsmen who for years have waited in vain for some comment: "I have something to say—you can give my greetings to the American people."

Whether this incident has any bearing on the internal dilemma of China, or whether it is any harbinger of anything else, is part of the Chinese puzzle confronting the Kennedy administration.

THE AMERICAN FARMER

(Mr. HARSHA asked and was given permission to address the House for 1 minute to revise and extend his remarks.)

Mr. HARSHA. Mr. Speaker, Mortimer Caplin's charge that the American farmer fails to report an estimated \$4 billion a year in taxable income is a shocking example of irresponsibility. To make such a sweeping indictment of all American farmers is unwarranted to say the

least. Such accusations cast aspersions on the character of all farmers and they should be retracted.

If Mr. Caplin has any such evidence against particular individuals he should use the remedies available to him, but to categorically say that the American farmers are evading income taxes is a serious charge and he should either prove it or apologize.

Rural America has long been regarded as a stronghold of integrity.

The American farmer is becoming accustomed to taking it on the chin from the Federal Government, but is there no limit?

They are told what to plant and how much by Uncle Sam. They sell their produce in markets dominated by the Federal Government and depressed by Government-owned surpluses. This year they were even confronted with an administration proposal spelling out jail terms for dairy farmers, and heavy fines for other farmers who fail to trot in Federal harness. In recent weeks several farmers were forced to sell out at heavy loss in order to pay fines assessed by the Federal Government.

Again the heavy hand of Government is trying to coerce or intimidate the American farmer and cast a cloud on his integrity by such a charge. Mr. Caplin should be made to prove his sweeping indictment or apologize to the American farmer.

THE CONSENT CALENDAR

The SPEAKER pro tempore. This is the day for the calling of the Consent Calendar. The Clerk will call the first bill on the calendar.

PRINCE GEORGES COUNTY SCHOOL BOARD, MARYLAND

The Clerk called the bill (H.R. 6759) for the relief of the Prince Georges County School Board, Maryland.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

AMENDMENTS TO NATIONAL SCHOOL LUNCH ACT

The Clerk called the bill (H.R. 8962) to revise the formula for apportioning cash assistance funds among the States under the National School Lunch Act, and for other purposes.

Mr. BAILEY. Mr. Speaker, I ask unanimous consent that this bill be removed from the Consent Calendar.

In explanation of this request, may I say that another clean bill has been considered by the Committee on Education and Labor and reported out and will be before the Rules Committee tomorrow for a rule.

The SPEAKER pro tempore. Without objection the request of the gentleman from West Virginia is agreed to and the bill will be stricken from the calendar.

There was no objection.

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For information only;
should not be quoted
or cited)

Issued May 23, 1962
For actions of May 22, 1962
87th-2d, No. 81

CONTENTS

Appropriations.....	39	Food-for-peace.....	2	School lunch.....	10
Atomic energy.....	14	Foreign affairs.....	19	Small business.....	5,32
Conservation reserve.....	28	Foreign aid.....	3,37	Soil bank.....	28
Copyrights.....	16	Foreign trade.....	20,24,33	Soil conservation....	22,29
Cotton.....	35	Lands.....	13,29,31	Stockpiling.....	36
Cultural exchange.....	9	Law.....	15	Sugar.....	40
Dairy industry.....	6	Loans.....	7	Surplus food.....	2
Exports.....	4	Opinion poll.....	23	Taxation.....	38
Education.....	9	Personnel.....	30	Territories.....	17
Export control.....	33	Public facilities.....	7	Transportation.....	25,34
Farm program.....	1,11,27	Public works.....	8	Treasury.....	18
Feed grain.....	1	Reclamation.....	12	Wheat.....	1
Fisheries.....	26	Retirement.....	30	Wildlife.....	21

HIGHLIGHTS: Senate debated farm bill. Senate committee voted to report foreign aid bill. House Rules Committee cleared bill to revise school lunch fund apportionment formula. Rep. Findley criticized wheat and feed grains provisions of farm bill.

SENATE

1. FARM PROGRAM. Continued debate on S. 3225, the farm bill (pp. 8260-72, 8276-86, 8289-98). Agreed to a unanimous-consent agreement by Sen. Mansfield that on Thurs., May 24, a vote shall be taken on the Ellender wheat amendment at 2 p.m., and a vote shall be taken on the Ellender feed grain amendment two hours later (pp. 8295-6).

Sens. Eastland, McCarthy (for himself and Sens. Humphrey and Metcalf), and Proxmire submitted amendments intended to be proposed to this bill, S. 3225. p. 8244

Sen. Miller inserted a newspaper editorial, "Truman's Farm Views," critical of a recent remark of former President Truman about farmers being "the biggest yellers in the country." p. 8297

2. SURPLUS FOOD. Sens. Mundt, Humphrey, Carlson, Javits, and Keating discussed the plight of refugees fleeing from Red China to Hong Kong and urged the use of U. S. surplus foods to aid these refugees. pp. 8253-6, 8272-3

Sen. Humphrey referred to an article concerning famine-stricken villages in Dahomey, West Africa, and commended the food-for-peace program in sending food supplies to help relieve the situation. p. 8299

3. FOREIGN AID. The "Daily Digest" states that the Foreign Relations Committee "by a vote of 14 to 3, ordered favorably reported with amendments S. 2996, proposed Foreign Assistance Act of 1962 ... the committee cut funds for supporting assistance by \$50 million so that this fund now would provide \$400 million p. D393
4. EXPORTS. The Banking and Currency Committee voted to report (but did not actually report) with amendment S. 3161, to repeal Sec. 12 of the Export Control Act of 1949 so as to provide for continuation of the authority for regulation of exports. p. D393
5. SMALL BUSINESS. The Banking and Currency Committee voted to report (but did not actually report) with amendment S. 2970, to amend the Small Business Act so as to provide for the establishment of a revolving fund to finance certain functions of the Small Business Administration. p. D393
6. DAIRY INDUSTRY. Sen. McCarthy criticized the use of health requirements to restrict the interstate movement of milk and inserted a Minn. State Board of Health resolution opposing the use of such requirements and favoring enactment of S. 212, the proposed National Milk Sanitation Act. pp. 8246-7
Sen. Wiley stated "that the solution to the milk problem is to be found" in greater consumption, more adequate distribution, and expanded research to find industrial uses for dairy products. p. 4247
7. LOANS. The Banking and Currency Committee reported with amendment S. 3327, to make certain federally impacted areas eligible for assistance under the public facility loan program (S. Rept. 1519). p. 8243
8. PUBLIC WORKS. Sen. Gruening stated his intention to propose an amendment to S. 2965, the proposed public works acceleration bill, to increase the amounts authorized to be appropriated for an emergency program of public works, and inserted replies he had received from certain States on the need for additional public works projects. pp. 8286-9
9. EDUCATION; CULTURAL EXCHANGE. Both Houses received from the State Department a report on the educational and cultural exchange program for the fiscal year 1961. pp. 8240, 8243

HOUSE

10. SCHOOL LUNCH. The Rules Committee reported a resolution for the consideration of H. R. 11665, to revise the formula for apportioning cash assistance funds among the States under the National School Lunch Act. pp. 8222, 8240
The Committee report states that the bill makes the following changes in the National School Lunch Act:
"The formula for apportionment of cash assistance funds among the States is based upon number of type A lunches served in the preceding year, including those served without milk as a beverage, and the assistance need rate for the State. Under existing law, funds are apportioned on the basis of total school-age population. During the fiscal year beginning July 1, 1962, one-half of the cash assistance funds will be distributed under existing law and one-half under the new formula.
"A special assistance fund is authorized to assist schools drawing attendance from areas in which poor economic conditions exist and which are not financially able, with the basic assistance provided under the act, to

(1) operate a lunch program or (2) meet the need for free or substantially reduced price lunches among those children unable to pay the full price of the lunch....

"The method is revised for dividing the State's share of the cash assistance funds between public and private schools, when such a division is necessary, because State statutes prevent the State agency from disbursing funds to private schools. The bill provides that division be made on the number of type A lunches served in each type of school in the preceding fiscal year, resulting in the same average per meal rate in both public and private schools.

"American Samoa is brought into the program."

11. FARM PROGRAM. Rep. Findley criticized the wheat and feed grain provisions of the farm bill, saying, "the farm bill (H. R. 11222) now before the Rules Committee would force Corn Belt farmers into the same bureaucratic briar patch that has caused such misery in the land of cotton." pp. 8222-3
12. RECLAMATION. Began consideration of H. R. 7596, to authorize the Secretary of Interior to construct, operate, and maintain the Navajo Indian irrigation project and the initial stage of the San Juan-Chama project as participating projects of the Colorado River storage project. pp. 8199-221
13. LANDS. The "Daily Digest" states that the Subcommittee on National Parks of the Interior and Insular Affairs Committee "ordered reported favorably to the full committee H. R. 5049, H. R. 5013, and S. 4, to save and preserve for the public use and benefit a portion of the remaining undeveloped seashore of the U. S. located in the State of Texas." p. D394
14. ATOMIC ENERGY. The Judiciary Committee reported without amendment H. R. 10618, granting the consent of Congress to the Southern Interstate Nuclear Compact (H. Rept. 1723). p. 8240
15. ^{LAW.} The Judiciary Committee voted to report (but did not actually report) with amendments H. R. 3, to establish rules of interpretation governing questions of the effect of acts of Congress on State laws. p. D395
16. COPYRIGHTS. The Judiciary Committee voted to report (but did not actually report) with amendments H. J. Res. 627, extending the duration of copyright protection in certain cases. p. D395
17. TERRITORIES. The Rules Committee reported a resolution for the consideration of H. R. 10937, to amend the Act providing for the economic and social development in the Ryukyu Islands. Rep. Aspinall announced that this bill will be considered on Thurs. pp. 8221, 8240
18. TREASURY. Both Houses received from GAO a report "on the review of the Treasury Department study of Treasury tax and loan accounts, services rendered by banks for the Federal Government, and other related matters" (H. Doc. 429). pp. 8240, 8243
19. FOREIGN AFFAIRS. Both Houses received from the President the 43d report to Congress on lend-lease operations for calendar year 1961 (H. Doc. 420). pp. 8199, 8242
20. FOREIGN TRADE. Rep. Mathias criticized the Administration's foreign trade bill and inserted several critical articles. pp. 8227-9

ITEMS IN APPENDIX

21. WILDLIFE. Extension of remarks of Sen. Metcalf urging protection of wildlife through cooperative planning by the State highway departments, Bureau of Public Roads and fish biologists. p. A3772
22. SOIL CONSERVATION. Extension of remarks of Sen. Wiley inserting an article upon the significance of good soil stewardship. p. A3773
Extension of remarks of Rep. Udall inserting an article which states that 8 out of 10 citizens favor the establishment of a youth conservation corps. p. A3788
23. OPINION POLL. Extension of remarks of Rep. Church inserting the results of an opinion poll, including agricultural programs and recreational projects. pp. A3773-4
24. FOREIGN TRADE. Extension of remarks of Rep. King, Calif., inserting an article by William Randolph Hearst, editor in chief of the Hearst newspapers, "Editor's Report -- We Support the Trade Program." pp. A3781-2
25. TRANSPORTATION. Extension of remarks of Rep. Bonner commending and inserting a statement and stating that it is a "well-reasoned appraisal of the American maritime industry." pp. A3784-6
26. FISHERIES. Extension of remarks of Rep. Clem Miller inserting two articles documenting the needs of the Pacific Coast fisheries. pp. A3786-8, A3791-3
27. FARM PROGRAM. Extension of remarks of Rep. Goodling stating that farm programs have been under fire for a considerable number of years, that "no workable program has ever been advanced. Each succeeding program becomes more costly and certainly ridiculous," and inserting an article, "Farm Bill and Estes Scandal." p. A3801
Extension of remarks of Rep. Dwyer inserting an article, "Estes Scandal Serious." p. A3819

BILLS INTRODUCED

28. SOIL BANK. S. 3334, by Sen. Young, N. Dak., to amend the Soil Bank Act so as to permit the Secretary of Agriculture to make conservation reserve payments directly to assignees of such payments; to Agriculture and Forestry Committee.
29. SOIL CONSERVATION. H. R. 11845, by Rep. Mathias, to amend the Soil Conservation and Domestic Allotment Act to clarify the authorization of the Secretary of Agriculture to extend the benefits of such act to lands in urban areas; to Agriculture Committee. Remarks of author. p. 8227
30. PERSONNEL. H. R. 11848, by Rep. Tollefson, to amend the Civil Service Retirement Act to provide for the adjustment of inequities; to Post Office and Civil Service Committee.
31. LANDS. H. Con. Res. 477, by Rep. Mathias, to establish a joint congressional committee to study land use and the growth of metropolitan areas; to Rules Committee. Remarks of author. p. 8227

87TH CONGRESS } HOUSE OF REPRESENTATIVES { REPORT
2d Session } No. 1726

CONSIDERATION OF H.R. 11665

MAY 22, 1962.—Referred to the House Calendar and ordered to be printed

Mr. BOLLING, from the Committee on Rules, submitted the following

R E P O R T

[To accompany H. Res. 657]

The Committee on Rules, having had under consideration House Resolution 657, report the same to the House with the recommendation that the resolution do pass.

○

House Calendar No. 229

87TH CONGRESS
2D SESSION

H. RES. 657

[Report No. 1726]

IN THE HOUSE OF REPRESENTATIVES

MAY 22, 1962

Mr. BOLLING, from the Committee on Rules, reported the following resolution;
which was referred to the House Calendar and ordered to be printed

RESOLUTION

1 *Resolved*, That upon the adoption of this resolution it
2 shall be in order to move that the House resolve itself into
3 the Committee of the Whole House on the State of the
4 Union for the consideration of the bill (H.R. 11665) to
5 revise the formula for apportioning cash assistance funds
6 among the States under the National School Lunch Act,
7 and for other purposes. After general debate, which shall
8 be confined to the bill, and shall continue not to exceed one
9 hour, to be equally divided and controlled by the chairman
10 and ranking minority member of the Committee on Educa-
11 tion and Labor, the bill shall be read for amendment under
12 the five-minute rule. At the conclusion of the consideration

1 of the bill for amendment, the Committee shall rise and
 2 report the bill to the House with such amendments as may
 3 have been adopted, and the previous question shall be con-
 4 sidered as ordered on the bill and amendments thereto to
 5 final passage without intervening motion except one motion
 6 to recommit.

87TH CONGRESS
2^D SESSION**H. RES. 657**

[Report No. 1726]

RESOLUTION

Providing for the consideration of H.R. 11665,
 a bill to revise the formula for apportioning
 cash assistance funds among the States un-
 der the National School Lunch Act, and for
 other purposes.

By Mr. BOLLING

May 22, 1962

Referred to the House Calendar and ordered to be
 printed

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For information only;
should not be quoted
or cited)

Issued June 1, 1952
For actions of May 31, 1952
87th-2d, No. 87

CONTENTS

Adjournment.....	14	Federal aid.....	4	Property.....	21
Bonds.....	8	Feed grain.....	22	Public works.....	2
Buildings.....	9	Foreign trade.....	3	Recreation.....	21
Census.....	23	Forestry.....	10, 18, 21, 24	Research.....	25
Civil defense.....	7	Grain storage.....	15	School lunch.....	1, 13
Cotton.....	12	Information.....	20, 25	Soil conservation....	11, 19
Disaster relief.....	5	Legislative program....	13	Taxation.....	13
Education.....	4	Marketing.....	17	Territories.....	5
Electrification.....	16	Mining.....	10	Textiles.....	3, 12
Export control.....	3	Payment-in-kind.....	22	Watersheds.....	22
Farm program.....	15, 22	Personnel.....	6, 24	Wheat.....	22

HIGHLIGHTS: House began debate on school lunch fund apportionment bill.

HOUSE

1. SCHOOL LUNCH. Began debate on H. R. 11665, to revise the formula for apportioning cash assistance funds among the States under the National School Lunch Act. For a summary of the bill see Digest 81. pp. 8829-38
2. PUBLIC WORKS. The Public Works Committee was granted until midnight Sat., June 2, to file a report on H. R. 10113, to establish an Office of Public Works Coordination and Acceleration and to authorize the preparation of a plan for acceleration of public works when necessary to avoid serious nationwide unemployment levels. p. 8829
3. FOREIGN TRADE. Conferees were appointed on H. R. 10788, to amend section 204 of the Agricultural Act of 1956 so as to authorize the President to regulate imports of textiles and textile products from nonparticipating countries of multi-lateral trade agreements. Senate conferees have already been appointed. p. 8828
The Select Committee on Export Control issued a report pertaining to an investigation and study of the Export Control Act of 1949 (H. Rept. 1753). pp. 8860-1
4. EDUCATION. The Education and Labor Committee reported without amendment H. R. 11888, to improve the quality of elementary and secondary education (H. Rept.

- 1752), with amendments H. R. 11340, to assist the States in further developing their programs of general university extension education (H. Rept. 1750), and with amendments H. R. 10056, to amend Public Laws 815 and 874, 81st Congress, relating to construction and maintenance and operation of public schools in federally impacted areas, to deny payments to school districts which are not in compliance with constitutional requirements that public schools be operated on a racially nondiscriminatory basis (H. Rept. 1751). p. 8860
5. DISASTER RELIEF; TERRITORIES. The Public Works Committee reported without amendment S. 1742, to authorize Federal assistance to Guam, American Samoa, and the Trust Territory of the Pacific Islands in major disasters (H. Rept. 1747). p. 8860
6. PERSONNEL. The Post Office and Civil Service Committee reported without amendment H. R. 11753, to provide for the payment of certain amounts and restoration of employment benefits to certain Government officers and employees improperly deprived thereof (H. Rept. 1748). p. 8860
7. CIVIL DEFENSE. The Government Operations Committee issued a report on the national fallout shelter program (H. Rept. 1754). p. 8861
8. BONDS. Received from Treasury a proposed bill "to increase temporarily the amount of obligations, issued under the Second Liberty Bond Act, which may be outstanding at any one time"; to Ways and Means Committee. p. 8860
9. BUILDINGS. Received from the President a report to the President by the ad hoc Committee on Federal Office Space. p. 8860
10. FORESTRY; MINING. Received from GAO a report on the review of the Administration by the Forest Service of mining claims located on national forest lands reserved from the public domain. p. 8860
11. SOIL CONSERVATION. Rep. Clem Miller discussed Soil Stewardship Week, saying, "We are proud of the men and women of the soil conservation movement for the example they present to our country and to the world's emerging nations of successful cooperative endeavor -- public and private; local, State and Federal." pp. 8841-2
12. COTTON. Rep. Alexander discussed the problems of the domestic textile industry and said, "it is ridiculous to force domestic textile producers to pay more for the same raw product than foreign producers pay. This is unfair competition of the rankest order." p. 8847
13. LEGISLATIVE PROGRAM. Rep. Albert announced that the Consent Calendar will be called on Mon., June 4, and debate will continue on H. R. 11665, to revise the school lunch formula, on Tues. Also, H. R. 11879, the proposed Tax Rate Extension Act of 1962, will be considered next Tues. p. 8838
14. ADJOURNED until Mon., June 4. p. 8860

ITEMS IN APPENDIX

15. FARM PROGRAM. Rep. Schwengel urged a bipartisan investigation of the USDA grain storage program as a result of the Estes case, stated that if "this can happen with Billie Sol Estes, it can happen in the Department of Agriculture's dealings with hundreds of others," and inserted an editorial supporting his position. pp. A3979

ity, in an envelope approximately the size of a postal card. It is requested that each Member deposit only one message. These are the final dates on which Members may make deposits in the cornerstone box.

COMMITTEE ON PUBLIC WORKS

Mr. BLATNIK. Mr. Speaker, I ask unanimous consent that the Committee on Public Works may have until midnight Saturday to file a report on the bill H.R. 10113.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

CORRECTION OF ROLL CALL

Mr. MINSHALL. Mr. Speaker, on rollcall No. 96 I was recorded as not being present, whereas, in fact, I was present and answered to my name when the roll was called. I ask unanimous consent that the permanent Record and Journal be corrected accordingly.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

ASTRONAUT MALCOLM SCOTT CARPENTER

(Mr. ROGERS of Colorado asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGERS of Colorado. Mr. Speaker, Malcolm Scott Carpenter, the second American astronaut to circle the world, was received in his home State of Colorado over the weekend. Thanks to the President who made his plane available, we were able to get there in time for a big celebration in his hometown of Boulder, Colo. The University of Colorado issued a bachelor of science degree. The next day he and his lovely family visited with the people of the city and county of Denver and participated in a tremendous parade. The citizens set a record and had the largest group in the history of Denver to celebrate the great feat that Scott Carpenter had performed.

We in Colorado are proud of the contribution he has made, and I am sure he will be performing more services in the future.

SCHOOL LUNCH PROGRAM

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 657 and ask for its immediate consideration.

The Clerk read as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11665) to revise the formula for apportioning cash assistance funds among the States under the National School Lunch Act, and for other purposes. After general debate, which shall be confined to the bill, and shall continue not to exceed one hour, to be equally divided and controlled by the chair-

man and ranking minority member of the Committee on Education and Labor, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Missouri is recognized for 1 hour.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio [Mr. BROWN] and yield myself such time as I may consume.

The SPEAKER. The gentleman from Missouri is recognized.

Mr. BOLLING. Mr. Speaker, there was no controversy on this subject in the Rules Committee. It provides for a change in the formula of apportionment of moneys under the school lunch program.

There being no controversy as far as the Rules Committee is concerned, I reserve the balance of my time.

Mr. BROWN. Mr. Speaker, the gentleman from Missouri has explained this rule, which makes in order the consideration of H.R. 11665 under 1 hour of general debate. It is an open rule. As the gentleman from Missouri stated, there was no opposition to this measure in the Rules Committee, and we were informed in the committee that the House Committee on Education and Labor in which this bill originated reported it out unanimously. The Rules Committee therefore took similar action.

I have been informed this morning, however, that there are objections on the part of some members of the House Committee on Education and Labor to one or two provisions, or some of the wording in the bill. As a result an amendment or amendments may be offered. I do feel, nevertheless, that this bill should be considered under this rule.

I have no further requests for time and yield back the balance of my time.

Mr. BOLLING. Mr. Speaker, I move the previous question on the resolution. The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. BAILEY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11665) to revise the formula for apportioning cash assistance funds among the States under the National School Lunch Act, and for other purposes.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 11665, with Mr. Brooks in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. BAILEY. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, the bill, H.R. 11665, amends the formula for distributing

cash assistance funds to the States under the National School Lunch Act. It also authorizes the Department of Agriculture to reserve some funds for additional grants to school districts serving areas of low economic resources. It extends the program to American Samoa. A so-called separate but equal provision of the 1946 act is repealed.

Mr. Chairman, this bill does not create a new program. No new appropriations are authorized. We merely provide for a more equitable method of distribution. The changes are dictated by the experience under the program since its beginning.

Hearings on the basic formula change were conducted during the 86th and 87th Congresses. We heard no testimony opposing the formula change.

These amendments have been recommended by the Department of Agriculture.

Under existing law cash assistance funds are apportioned on the basis of school-age population and per capita personal income. Under Department of Agriculture regulations, States are required to reimburse participating schools on the basis of number of lunches served. The basic maximum allowable payment is 9 cents for each type A lunch with milk, and 7 cents for each type A lunch without milk.

Because the program has grown faster in some States than in others, in actual practice the average per meal rates of cash assistance any State is able to pay its school systems tends to be related more to the rate of progress growth than to need as measured by per capita income in the State. Thus, a State, where income level is high but with below average participation, may be able to reimburse the school systems at a higher rate than can a State where income levels are low but where participation is high.

Under the formula changes proposed in H.R. 11665, cash assistance funds would be apportioned on the basis of total number of lunches served during the previous year, together with the assistance need rate of each State.

Nearly all of the witnesses before us wanted a floor of 5 cents under payments and a ceiling of 9 cents. The committee was reluctant to write such a floor and ceiling. In such an event, without full implementation, it was obvious that the States with the higher assistance need rates would be those to suffer.

It is my fervent hope, however, that sufficient funds will be made available so that no school system will receive less than 5 cents per meal served.

The new section 11 is designed to provide additional payments to districts located in areas of extreme economic distress. In many areas—and some are in my State of West Virginia—there are a relatively high number of children who cannot purchase a meal. The resources of many of these same school districts are so limited that the need cannot be met with the normal cash assistance program. The committee learned that the less well off school districts attempt to meet the situation

either by having to serve a higher than average number of free meals or by charging an unrealistically low price. We purposely gave discretion to the Department in order to meet both types of situations. We did ask the Department to submit the guidelines it proposed. These have been included in the committee report so that the intent of Congress will be clear.

Under existing law private schools may participate in the program. We have retained this provision. At present, in the case of those States where the appropriate State agency is prohibited by law from reimbursing private schools, the Secretary of Agriculture may do so directly. He reserves a portion of the States' allotment equal to the percentage of the State's total elementary and secondary school enrollment accounted for by private elementary and secondary schools.

Under H.R. 11665 the method for dividing the State's share of the cash assistance funds between public and private schools, when such a division is necessary, is altered. The bill provides that division be made on the basis of the number of type A lunches served in each type of school. This is consistent with the changes made in the basic formula, and results in the same average per meal rate in both public and private schools in each State.

Mr. Chairman, I urge approval of this bill.

Mr. Chairman, in concluding, I would like to read into the RECORD a letter received from the Department of Agriculture:

DEPARTMENT OF AGRICULTURE,
Washington, D.C., May 18, 1962.

HON. ADAM C. POWELL,
Chairman, Committee on Education and
Labor, House of Representatives, Wash-
ington, D.C.

DEAR MR. POWELL: Reference is made to H.R. 11665, a bill to amend the National School Lunch Act which was reported favorably by your committee on May 10, 1962.

This bill incorporates all of the changes in the National School Lunch Act recommended by this Department in a series of hearings held by your Subcommittee on General Education. We support passage of H.R. 11665 and we believe that it will increase the effectiveness of the program of Federal aid to nonprofit school lunch programs.

We are hopeful that this legislation will be made effective for the 1963 fiscal year.

Sincerely yours,

CHARLES S. MURPHY,
Under Secretary.

Mr. FRELINGHUYSEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as the gentleman from West Virginia has said, there was no basic argument in the committee with respect to the proposed changes in the formula for distribution of funds under the National School Lunch Act. The changes proposed will provide money on the basis of the number of school lunches served instead of the total school age population.

I might say, however, that I regret that the report was not prepared more carefully. On reading it I find no reference to the way in which the proposed

changes in the distribution of the funds differ from the old method, either in dollar amount or the amount of cents per lunch in an individual State.

Mr. Chairman, I would like to call attention to the table which appears on page 5 of the report, which indicates the proposed distribution of the funds to the various States, the District of Columbia, and so on. One will see that there is no reference to the amount which each State or the District of Columbia receives under the present distribution of funds. There is no comparison made.

As an example, the District of Columbia would receive a very sharp reduction in the dollar amount, but there is no evidence of this in the report. I might say that the hearings do indicate, to some extent at least, that the major changes proposed seek—and I think this is desirable—to provide more aid to the areas that need it most, rather than to areas which perhaps have other ways of meeting needs.

Mr. Chairman, my basic objection is this—

Mr. BAILEY. Mr. Chairman, will the gentleman yield?

Mr. FRELINGHUYSEN. I shall be glad to yield to the gentleman from West Virginia.

Mr. BAILEY. The gentleman from New Jersey mentioned the situation which exists in the District of Columbia. Let the gentleman from West Virginia remind the gentleman from New Jersey that the per capita income rate in the District of Columbia is higher than every other State except the State of Delaware. Yet they were participating in this program last year to the extent of 8.5 cents per meal. I believe.

Mr. FRELINGHUYSEN. I am not, I might say to the gentleman from West Virginia, necessarily holding a brief for the District of Columbia. However, it seems to me that the report on the bill should give an indication, either through the amount of funds to be made available on an individual school lunch basis, or the dollar amount, where there is going to be a sharp reduction of funds.

Mr. Chairman, I might point out that the District of Columbia, under the present method of distribution, assuming a fund of \$98.6 million, would receive an appropriation of \$215,000. Under the proposed method they would receive only \$152,000. It may be that less should be provided to the District of Columbia, but it does seem to me that we should know how the proposed formula differs from the present one. I am not suggesting an attempt to hide essential information. When we dig for it, it is available. But it seems to me that the tabulation is not of much value unless it gives the difference between what we are presently doing and what we are proposing to do.

Mr. BAILEY. Mr. Chairman, will the gentleman yield?

Mr. FRELINGHUYSEN. I yield to the gentleman from West Virginia.

Mr. BAILEY. I would like to remind the gentleman from New Jersey that this bill is designed to operate particularly in a manner to take care of the

situation in areas of the country where they are unable to provide lunches for their children.

Mr. FRELINGHUYSEN. Well, I would like to say to the gentleman from West Virginia that I have already backed the idea of the proposed revisions in the basic law so as to provide more funds where we figure more funds are needed, and to reduce somewhat funds where they are less badly needed. I am not arguing with the general formula which is being proposed. I simply think the report is inadequate in stating what we are doing.

Mr. BAILEY. If the gentleman will yield further, I would like to read a little bit of information into the RECORD at this time:

The District of Columbia came into the program but recently. Because many of its school buildings are old and not equipped for serving lunches, and because many of the youngsters are within walking distance of the school, the participation rate is extremely low. The District has been using school lunch funds to pay seven-tenths of a cent per half pint toward the cost of the special milk program. It may continue to do so. Total school lunch funds to the District will be reduced. The District asked the subcommittee for special dispensation to count the half pints of milk served under the special milk fund. The subcommittee was not inclined to make any exceptions. Department officials advised us that the District's problems could be handled through the special school milk program. We are advised this has been done, and Superintendent Hansen is satisfied.

Mr. FRELINGHUYSEN. Mr. Chairman, I might say to the gentleman from West Virginia that I made a mistake with reference to the District of Columbia. The program, once it is established and after this transition period of 1 year has gone by, will be even more prejudicial to the District of Columbia than I have just stated. If \$98,600,000 were made available under the present program the District could now receive \$215,000, as I have already stated. But under the proposed method of distribution, the District would receive only \$89,000, which is a very sharp and substantial reduction, which may have led to the protest to which the gentleman from West Virginia just referred.

Mr. Chairman, I would like to make a further comment with respect to the report. The tabulation on page 5 of the report is inaccurate. It fails to indicate how the changes in the formula which the adoption of these amendments would provide will affect the various States. The tabulation states that this will be the distribution under the proposed formula. That is inaccurate.

I should like to refer to the hearings on page 13. The tabulation there, if I am reading the material correctly, refers to the proposed distribution in the first year under these changes. The tabulation in the report also refers to the first year only, the so-called transitional period. In the second and succeeding years there will be quite different distributions, which are found on page 12 of the hearings. It would seem to me that the report itself either should say that the distribution proposed is during the transition period of 1 year, or it should give additional figures to show what the

changes would be in subsequent years. It is an unintentional oversight, I am quite sure.

Mr. BAILEY. Mr. Chairman, will the gentleman yield further?

Mr. FRELINGHUYSEN. I am glad to yield to the gentleman further.

Mr. BAILEY. The gentleman will remember that in the subcommittee hearings, in order to make this change work smoothly, it was decided the first year to make one-half of the appropriations to the program under the present law and the other half of the money would be apportioned under the new procedure, based upon the meals served rather than upon the number of children in the school districts. That may account for the low rate for the District in the first year. That will be adjusted in time, in the second and third years.

Mr. FRELINGHUYSEN. The transition period is proposed to ease the problems which otherwise might arise in such areas as the District of Columbia. But I think it is misleading to say that the proposed formula will result in the allocation of funds indicated in the report. It will do so only in the immediate future, and for one 12-month period, and the report should have so stated. There will be a substantial change in the distribution of funds in the succeeding years, as the hearings on page 12 clearly indicate. I think the report is badly drafted.

Mr. Chairman, my main complaint about this bill, and I think it is a substantial one, refers to the language at the bottom of page 6 of the bill, beginning in line 20, section 6. I refer particularly to the proposed section 11, found on line 2 of page 7, which authorizes "such sums as may be necessary to enable the Secretary, under such terms and conditions as he deems to be in the public interest, to provide special assistance to schools drawing attendance from areas in which poor economic conditions exist," and so on.

Mr. Chairman, I propose to offer an amendment to strike all this language. It is very badly drawn, and far too broad. The report itself recognizes that fact, because it spells out in some detail just how the Department of Agriculture should administer the program if funds should be appropriated under this section. I point to the language on pages 6 and 7, two full pages of the report, describing the way in which the administration would probably administer a program if money should be made available under this particular provision. My point is that if we feel that the changes proposed in the distribution of funds will still not eliminate certain inequities and if there are going to be needy areas which deserve further attention, then we should spell out ways in which the Secretary might provide supplemental assistance.

I think it is highly undesirable, and I regret very much that I did not make this point in committee, that we should give anybody, even a Cabinet officer, an absolute blank check in such matters. Why should he determine as he may deem it in the public interest, on such terms and conditions as he deems advisable, what additional funds should be

given to various districts? The assumption that the proposal is to be carried on at the State level, and that the States are to make their own determinations with respect to need, comforts me not at all. There is nothing in the way of legislative history to bind any Secretary, either this one or the next, to observe the rules which we suggest.

I also suggest that the so-called guidelines, as they were suggested in the committee report, are almost incomprehensible. I would like to refer to the language on page 7 of the report. This relates to what are called special application, which State agencies must submit in order to receive additional assistance from the Department of Agriculture. The application must provide information on a number of things, including, in point 4, assurance, and I quote, that "any token charge made to needy children in order to encourage independence will not preclude participation by those children who need to receive a free lunch in order to participate."

I wonder what that language could possibly mean? Presumably we are trying not to penalize, by withholding and, a school which charges a nominal amount, say 5 cents, to a child who otherwise would be unable to pay for food. But how would this custom of making a token charge to needy children preclude participation by those children who need to receive free lunches? And what do those final words "in order to participate" mean? To me it is so confusing that it is no guideline. At the very least, if we have something in mind, we should state it more clearly.

Mr. BAILEY. If the gentleman will yield, he will recall that in individual school districts throughout the several States of the Nation their way of handling it varies in each of the school districts. The situation is different in nearly every State. For us to try to write into the bill direct guidelines for the Department of Agriculture to meet those situations, since they are different, it would be almost impossible to write legislation that would cover all of them. That is why it is necessary to give the Secretary of Agriculture some leeway in dealing with those districts to meet these individual needs. You would not pick one particular pattern.

As to the last question the gentleman asked, there are some parents who can provide a part of the expenses of the youngsters. They cannot pay all of them. You do not want to exclude the youngsters from participating in the program even though they can make only half a contribution. That is the purpose of the legislation. We want them all to participate. If they cannot pay all of it, we will take half of it.

Mr. FRELINGHUYSEN. I thank the gentleman from West Virginia for his comments. It does not seem to me a wise proposal to authorize the Secretary of Agriculture to make such determinations on any conditions that he sees fit to provide special assistance to schools drawing attendance from areas in which poor economic conditions exist.

This authority, might be used—and, of course, it would not be under the present

administration and I hope not in succeeding ones—but it might be used a few weeks prior to an election because some particular condition suddenly comes to the attention of the Secretary. I think if we are going to make revisions in the law, and some may be necessary, we ought to take a good look at this before we delegate as broad an authority as is provided in this section 11.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. FRELINGHUYSEN. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. The gentleman has pointed out, and correctly so, that the money going to the District of Columbia would be greatly reduced, down to about one-third of what it is now. Of course, that is an assumption. They do not have any hot lunch program for the elementary children in the District. I just think they should. I would like to point out—here we are in the Nation's capital and in our schools here as far as our hot lunch program is concerned, they are about 20 years behind the rest of the country. We are establishing hot lunch programs in other countries and here we do not even have a hot lunch program for children in the District of Columbia. Apparently, the administrators of the schools here do not want one either.

I think it is a disgrace that we are so far behind on the hot lunch program here. It is time to start getting one for elementary children. We here in the Nation's capital have a cafeteria that we go to, and almost everybody who works for private business has a place to get a hot lunch but the little tots have to tote a cold meal to school just like we did back in the one-room schoolhouse days.

Mr. FRELINGHUYSEN. I thank the gentleman. As I have already stated to the gentleman from West Virginia, I am in favor of providing as many hot lunches to as many children as we can. I am in favor of the proposed revisions of this act, which at least attempt to give money to the States which have the most aggressive and widespread programs.

I am not arguing against the hot lunch program.

Mr. SMITH of Iowa. I did not mean to imply that the gentleman is opposed to hot lunches for the schoolchildren in the District.

Mr. FRELINGHUYSEN. I thank the gentleman.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. FRELINGHUYSEN. I yield to the gentleman from Iowa.

Mr. GROSS. I do not know about the school lunch program in the District of Columbia, but they are not lacking in the ability to rock out the windows of the schools in the District of Columbia. It seems to me last year the bill for that purpose went to something like \$120,000 or \$130,000 just to replace the glass that had been rocked out during the vacation period. They may not have the school lunch program that they ought to have, but they sure know how to knock the windows out of the school buildings.

Mr. FRELINGHUYSEN. I hope the gentleman is not suggesting that the

window glass should not be replaced in the school buildings.

Mr. BAILEY. Mr. Chairman, will the gentleman yield?

Mr. FRELINGHUYSEN. I yield to the gentleman from West Virginia.

Mr. BAILEY. Along the line of the remarks made by the gentleman from Iowa, I would like to state that the District of Columbia has been operating a hot lunch program for the last 4 years for high school children and junior high school children.

Mr. SMITH of Iowa. Yes, but not for the elementary schools. That is just for the high schools and junior high schools.

Mr. BAILEY. The gentleman is correct.

Mr. Chairman, I yield such time as she may require to the gentlewoman from Washington [Mrs. HANSEN].

Mrs. HANSEN. Mr. Chairman, I support the bill H.R. 11665. The school lunch program has been one of the most successful programs instituted and operated by the Federal Government.

The formula changes proposed in this bill will provide for a more equitable basis of distribution of funds. It is our belief that this will result in further expansion by the States and local communities.

Mr. Chairman, this program was born during the depression, when corn was being burned for coal and Americans were going hungry. We began distributing surplus food to needy persons. It was soon discovered that schoolchildren were often in need of better nourishment, and that schools throughout the country were logical consumers of surplus agricultural commodities. We decided that farm surpluses and hungry schoolchildren could not be allowed to exist side by side in America. The surpluses were decreased and the needs of schoolchildren were met. The school lunch program, which had to develop in a few local school systems years before there were large agriculture surpluses, grew rapidly with such cooperation from the National Government.

School lunch programs provide multiple benefits. The reduction of surpluses and the feeding of hungry children are the most obvious. The operation of a school cafeteria makes consolidation more feasible. In the urban areas the school lunch program has provided a more nutritious lunch, particularly for the children of working mothers.

One more most important point. The consumers of tomorrow are developed in today's school lunchrooms.

The Congress in 1946 recognized these multiple benefits and brought the Federal Government into permanent partnership with the State and local schools on July 1. The original formula provided for distribution of cash assistance funds on the basis of school-age population. As a result of experience, we feel we have outgrown the previous formula. It is now much more equitable to apportion the money among the States, as provided in H.R. 11665, on the basis of actual participation in the program plus the relative need of the State.

By apportioning the cash assistance funds on the basis of actual participation

in the program, we will be giving recognition to those areas that have made greater progress in extending the school lunch to more children, rather than, under the present formula, penalizing them by forcing them to divide their money among more children.

Mr. BAILEY. Mr. Chairman, I yield 5 minutes to the gentleman from Missouri [Mr. ICHORD].

Mr. ICHORD of Missouri. Mr. Chairman, I rise in support of H.R. 11665, necessary legislation revising the National School Lunch Act.

The national school lunch program represents an investment in the most important asset of our Nation. It is a program in which we can take pride. Its cost is moderate, but its value is beyond reckoning. It does not usurp the responsibility or control of the educational agencies of the various States, but it encourages and assists these agencies in making available to our schoolchildren a wholesome, nutritious lunch at moderate cost. Indeed, for children who cannot afford even this cost, the lunch can be served at a reduced price or free. It may be a little difficult for us here to realize it, but if it were not for the national school lunch program, there would be many schoolchildren who would be hungry this afternoon, and there would be many others who would have had a very inadequate meal. And a poorly nourished child is not able to meet the increasingly heavy demands which our schools are placing—and must place—upon our children if our Nation is to retain its position in a fast developing world. To meet the problems lying ahead of us in a nuclear age, we must have a society which is firm morally, tough physically and tough mentally. This program contributes to the attainment of all three goals. It is absolutely ridiculous to continue with a program that gives cash assistance to States per meal ranging from 8.5 cents per meal to 19 cents per meal without any relation to need.

We have before us some recommended changes in the national school lunch program. Although the program has been very successful, experience in the past few years has revealed certain weaknesses that need correction—certain improvements that should be made. I believe that the bill which has been reported by the Committee on Education and Labor will make the needed corrections and improvements and give us a better school lunch program.

The major change proposed by this bill relates to the formula by which funds are to be allocated among the States.

The present method of apportioning the funds among the States is one which appears on the surface to be logical, but which in actual practice does not give the sort of results which were anticipated and intended. The present formula involves the school-age population in each State, and the per capita income of each State. As I stated, on the surface it appears to be logical, but the variation in participation among the States causes this formula to produce unreasonable variations in the per-meal assist-

ance provided to the children in the various States.

It is logical, and it was intended, that the formula should give somewhat more assistance to those States with a somewhat lower per capita income, because they are in the greatest need of help in order to provide their children with an adequate lunch. However, the existing act does not accomplish this objective.

When all the 50 States are ranked in order of average per capita income, the inequity of the present formula is striking. During this school year the average rate of assistance per meal is 4.2 cents. Twenty-six States received less than this average amount. If the present formula was working as intended, it would be expected that most of these States would be among those having the higher per capita income, but such is not the case.

Exactly half of the 26 States that received less than the national average of 4.2 cents per meal are to be found among the States with the lower per capita income. It is clear that the present formula completely fails to allocate the per meal assistance in any kind of a logical manner related to the State per capita income.

The proposed formula will completely correct this inequity. The States with per capita income equal to or larger than the national average would all receive the same per meal assistance, being assigned an assistance need rate of five. The States with per capita income less than the national average would receive larger per meal assistance, ranging to a maximum assistance need rate of nine.

If the appropriation should be sufficient to fully implement this program—and this is what I should like to see—the per meal assistance would range from a low of 5 cents per meal to a maximum of 9 cents per meal, as compared to the present range of a low of 1.9 cents now supplied to Hawaii, to a high of 8.5 cents now supplied to the District of Columbia.

The bill provides that the change in allocation of funds will be made on the partial basis the first year, thus allowing a gradual transition to the new formula which will be fully effective the second year.

I think the other changes in the school lunch program which are effected by this bill require less explanation.

The bill authorizes a special fund to assist schools whose attendance is from areas with especially difficult economic conditions, which are not financially able to operate a lunch program, or which are unable to meet the need for free or substantially reduced price lunches for those children unable to pay the full price of the lunch. These are the areas which need help the most of all.

There is a provision for equitably dividing the State's share of assistance funds between the public and private schools in those particular States where such division is necessary because of State statutes which prevent the State agency from disbursing funds to private schools. And finally, the bill brings American Samoa into the program.

Mr. Chairman, this is a bill which corrects some accidental inequities and establishes the national school lunch program on a fair, just, and impartial basis. In my opinion, it deserves the support of every Member of the House.

Mr. BAILEY. Mr. Chairman, I yield 5 minutes to the gentleman from Virginia [Mr. GARY].

(Mr. GARY asked and was given permission to speak out of order.)

RETIREMENT OF ADM. ALFRED C. RICHMOND

Mr. GARY. Mr. Chairman, in formal change-of-command ceremonies today aboard the Cutter *Campbell* on the Potomac River here in Washington, Adm. Alfred C. Richmond relinquishes his duties as Commandant of the U.S. Coast Guard to Adm. Edwin J. Roland. Admiral Richmond made known his decision to retire some time ago, but for those of us in the Congress who have worked closely with him, it is impossible to view the development of the day without pangs of regret.

My work with Admiral Richmond has been as chairman of the Appropriations Subcommittee which takes original action on the Coast Guard's annual budget and I can assure Admiral Roland that he is inheriting a tight ship. I have often said that the Coast Guard is operated as efficiently as any arm of the Federal Government and that if other agencies followed the Coast Guard's lead the fiscal situation would not be as disturbing as it is today.

But Admiral Richmond's outstanding performance as Commandant should have come as no surprise. Born Alfred Carroll Richmond on January 18, 1902, at Waterloo, Iowa, he showed early wisdom by moving, with his family, into my own State of Virginia at the age of 10 and his moves since have shown similar soundness for a man on his way to the top.

Armed with a certificate from Massanutten Academy in Woodstock, Va., he enrolled at the age of 16 in the college of engineering at the George Washington University, where he is still remembered as an athlete who was later to be named to the GW Letterman Hall of Fame.

He entered the U.S. Coast Guard Academy in New London, Conn., as a cadet in 1922 and was graduated as the senior man in his class with a commission as ensign in 1924. His rapid advancement in rank since is fitting testimony to the perspicacity of the instructors at New London who knew they had a leader on their hands and accorded him the highest honors.

After 2 years of service as an aide to the Commandant of the Coast Guard in Washington, during which he performed temporary duty in operations against rum runners off the coast of New York, he was assigned to the Coast Guard Academy staff for 2 years. Promoted to lieutenant, junior grade, in 1926, he advanced to lieutenant in 1928, lieutenant commander in 1932, commander in 1942, captain in 1943, rear admiral in 1950, vice admiral and Commandant in 1954, and admiral on June 1, 1960.

While again assigned to Coast Guard Headquarters here in Washington in 1935, he began taking a resident law

course at the George Washington University and was awarded a degree of juris doctor "with distinction" in 1938.

In 1939 he received experience at the international level which was to prove helpful in later years. That came while he was serving as a representative of the Treasury Department and as a delegate of the United States at the International Whaling Conference convened at London. In January of 1959 he was a principal delegate to the First Assembly of the Intergovernmental Maritime Consultative Organization.

He was president of the 1960 Sixth International Lighthouse Conference and is now president of the Executive Committee of the International Association of Lighthouse Authorities. He is also chairman of the National Committee for Prevention of Pollution of the Seas by Oil and has been named to head the U.S. delegation to the upcoming 1962 conference of this organization.

During World War II he served as a commanding officer of the cutter *Haida* doing convoy escort duty out of Juneau, Alaska, before being transferred in 1943 to London. As a result of his work during and after the Normandy invasion in assisting in the organization of Coast Guard forces for their assigned tasks, he received the Bronze Star Medal for meritorious service as senior Coast Guard officer on the staff of the commander, U.S. Naval Forces in Europe. The French Government also awarded him the Croix de Guerre for exceptional services rendered in the liberation of France.

He was appointed Assistant Commandant of the Coast Guard in 1950 and in 1954, with the advice and consent of the Senate, he was named Commandant by the President succeeding Vice Adm. Merlin O'Neill. In 1958 the Senate confirmed a second 4-year term for him as Commandant and in 1960 he was appointed to the rank of full admiral.

Admiral and Mrs. Richmond, the former Gretchen C. Campbell, live at 2365 North Edgewood Street in nearby Arlington. They have two sons, John Mason, 25, who was graduated from the Coast Guard Reserve Officer's Candidate School in 1958 and was commissioned an ensign in the Reserve in 1958, and Alfred Carroll, Jr., 23.

The Coast Guard is a military service and a branch of the Armed Forces of the United States which serves the Treasury Department in time of peace and the Navy in time of war. Its principal missions included saving and protecting life and property, maritime law enforcement, providing navigational aids to maritime commerce and to transoceanic air commerce; promoting the efficiency and safety of the American merchant marine and readiness for military operations.

Admiral Richmond is one of the best administrators it has ever been my privilege to know. He has a scintillating intellect, a commanding but pleasing personality, a remarkable store of information, a keen sense of humor, rare judgment and a dedication to duty that characterized him as one of America's outstanding leaders. He was one of the best informed witnesses that has ap-

peared before my congressional committees during my 18 years in the Congress. He testified with confidence and his testimony always carried conviction.

Under Admiral Richmond the Coast Guard has performed its missions well. It is a better service because of his efforts and he will leave many good years of a full life to it when he awakens in a status of retirement on the morrow. He will not admit it but I know that the motto on the Coast Guard seal, *Semper Paratus*, shines with a greater luster as a result of his long and dedicated service.

The outstanding record of this faithful public servant merits a retirement of comfort and ease but we can ill afford to lose his many talents at this time, and knowing him as I do I am convinced that he would be happier with his time occupied in meritorious service. He is superbly qualified for membership on one of our international commissions where his background, training, experience, and ability could be used to bring order to a confused and disordered world.

I join the many friends and admirers of Admiral Richmond in wishing him continued success and godspeed along whatever paths he may pursue happiness during his retirement.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. GARY. I yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for the statement he has just made in reference to Admiral Richmond and join with him in extending my tribute to the admiral, not only because he comes from Waterloo, Iowa, my hometown, but also because he has been a very able administrator and public servant. I therefore wish for Admiral Richmond good health and happiness in his well-deserved retirement.

Mr. CONTE. Mr. Chairman, today, after almost 40 years of devoted service to his country, Adm. Alfred C. Richmond is retiring as Commandant of the U.S. Coast Guard.

In the span of those 40 years, Admiral Richmond has seen the Coast Guard develop from a small force of officers and men endowed with what today may seem to have been rather minor responsibilities. Now the Coast Guard, greatly expanded in both size and responsibilities, is an integral part of our defense forces, and at the same time has the responsibility for manning many of the services vital to the oceangoing commerce of the world. For the past 8 years Admiral Richmond has been in command of this vast operation, and he has carried out his responsibilities with the highest degree of efficiency. He has been called upon to represent the United States at vital international conferences, always carrying out his assignment with great ability, and always completely knowledgeable of the subject at hand.

I have come to know and admire Admiral Richmond by his appearances before the Appropriations Subcommittee on Treasury on which I have the privilege to serve. As he takes his retirement, the Coast Guard is losing a great leader, the U.S. Government is losing a most

able representative, and I am losing a good friend. To Admiral Richmond I say "well done," good luck and happiness, always.

Mr. FRELINGHUYSEN. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan [Mr. GRIFFIN].

Mr. GRIFFIN. Mr. Chairman, I take this time to ask a question or two of the gentleman from West Virginia [Mr. BAILEY] regarding the effect of a provision in this bill. I served on the Daniels subcommittee, which concerned itself with the progress being made to implement the Supreme Court's decisions requiring desegregation of our public-school system. The legislative history of this bill would not be complete if some attention were not focused upon a change which this bill would make but which is not very well reflected by the draftsmanship of the legislation itself.

Page 15 of the committee report indicates that the following sentence of the existing statute would be repealed:

If a State maintains separate schools for minority and for majority races, no funds made available pursuant to this act shall be paid or disbursed to it unless a just and equitable distribution is made within the State, for the benefit of such minority races, of funds paid to it under this act.

I did not serve on the subcommittee which developed this legislation, but I suspect that by repealing this sentence the subcommittee is desirous of taking away any stamp of approval that the language might seem to give to the continued segregation in the public schools.

However, I am concerned about what might be the unintended effects of taking this language out. By deleting this sentence, are we suggesting or demanding that the Secretary of Agriculture immediately cut off all school lunch funds for certain States? If such funds should be cut off in a State which is making progress with "deliberate speed" toward integration but continues to have segregated schools, what would the effect upon the children in those segregated schools who, in many instances, desperately need the hot-lunch program?

Having raised these questions, I shall appreciate it if the distinguished gentleman from West Virginia [Mr. BAILEY] can enlighten the Committee.

Mr. BAILEY. I can enlighten the gentleman to this extent. The paragraph the gentleman is talking about is the so-called Powell amendment that was written into the act of 1946. He has asked himself, as chairman of the general Committee on Education and Labor, that that amendment be eliminated.

Mr. GRIFFIN. I am asking the gentleman from West Virginia about the effect of the elimination of the particular language.

Mr. BAILEY. No direct effect.

Mr. GRIFFIN. I realize that the bill would eliminate the language referred to, but what would be the effect of eliminating it?

Mr. BAILEY. I can see no direct effect of it.

Mr. GRIFFIN. No direct effect?

Mr. BAILEY. I can see no effect, because every case that has been carried

to the Supreme Court has resulted in the Supreme Court sustaining the case. This is not going to affect the situation at all, and you will have to take care of both the white schoolchildren and the colored schoolchildren in the general program and not segregate them and take care of them as two separate schools.

Mr. GRIFFIN. It would seem to me, that if we intend for the operation of this program to continue as it has, we are making poor legislative history to make a change in the statute, and then to say that the change is meaningless. If we do intend some effect to flow from this change, we ought to know what it is.

I would approve of administrative implementation within legislative bounds pointing toward desegregation of our schools. I believe in the implementation of the Supreme Court's desegregation decision, and perhaps the administration of the school lunch program should be used as one method of effecting it. However, I believe we should be aware of what we are doing, and give this matter very serious consideration.

I would be very concerned if some administrator should suddenly cut off school lunch funds in particular States. If we are to take this path to enforce desegregation, then it would seem that some reasonable grace period should be given; for example, a year's notice. I should think that we might indicate in the legislation or the legislative history our concern that some degree of caution and reason should be exercised. If we did so, then I would feel better about the helpless schoolchildren who could be caught in this particular trap. Again, I am a little bit surprised to hear the gentleman from West Virginia say that this amendment is intended to have no effect.

If the gentleman from West Virginia can provide any further amplification of his statement, I would certainly appreciate it.

Mr. BAILEY. I might say to the gentleman from Michigan that one of the speakers who has yet to address the committee will give his attention to that particular angle.

Mr. GRIFFIN. I thank the gentleman.

Mr. BAILEY. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan [Mr. O'HARA].

Mr. HALEY. Mr. Chairman, will the gentleman yield?

Mr. O'HARA of Michigan. I yield to the gentleman from Florida.

Mr. HALEY. I hope the gentleman will go into the mechanics of this and explain section 11 of the bill. It seems that here we have an entirely new section of this law. It appears to some of us that it would grant a great deal of power to the Secretary. I would appreciate it, and I know that other Members of the House would appreciate it, if the gentleman would explain if he has attempted to tie this down somewhat in the report.

Mr. O'HARA of Michigan. I would like to begin by saying to the gentleman from Florida, that the new section 11, which would become a part of the act

if the bill before us is enacted, introduces a brandnew concept into the school-lunch program. It is designed to take account of very special situations that exist in some parts of the country. The special assistance funds authorized by this section would provide additional help to those school districts which, because of extremely poor economic conditions, serve an inordinately large number of free lunches or which would serve a large number of free or reduced-price lunches, if they had the financial ability to do so. We, of course, wanted to tell the Secretary how to apportion these funds and how to identify these needy school districts and determine the amount to which each one is entitled. We considered putting the apportionment on the basis of the number of free or reduced-price lunches that were now being served by the district.

But we found that some of the districts most in need of help were in such poor financial condition that they were unable to serve the number of free lunches or reduced-price lunches that they wanted to serve, or which they should serve. We therefore prescribed no rigid formula but left it to the Secretary to work out in practice with the understanding that he provide to us, for our approval, the criteria he would attempt to follow in implementing the intention of the committee. This was done.

Mr. Chairman, I would call the attention of the gentleman to the material appearing at the bottom of page 6, and on over onto most of page 7 in the committee report, which sets forth the representations of the Secretary of Agriculture as to the way in which he will attempt to implement this special assistance section. You will notice that the apportionment would be based primarily upon the number of free or reduced-price meals already being served to needy children, adjusted, however, for the ability of a State to finance such meals as measured by the relationship of the national average per capita income to the per capita income of the particular State.

Then in subsection (C) which appears at the top of page 7 of the committee report, there is stated the following:

C. Three percent of the total appropriation under section 11 will be reserved for use by the territories. Of the remaining amount, 50 percent would be initially apportioned to the States under the formula described above. Another 25 percent of such funds would be apportioned in a similar fashion and would be advanced to any State proving the need for additional funds over and above its initial apportionment. The remaining 25 percent of the funds would be held in reserve by the Department to be equitably distributed among those States demonstrating a need for funds in excess of their initial and reserve apportionments.

We did not set a hard-and-fast formula because it could not do justice to the kind of problem we were seeking to solve. I know that this is generally a less than satisfactory method of legislating. We felt, however, that, under the circumstances, it was the only realistic way to go about it.

Mr. BAILEY. Mr. Chairman, I yield such time as she may require to the gentlewoman from Oregon [Mrs. GREEN].

Mrs. GREEN of Oregon. Mr. Chairman, I rise in support of this proposed legislation.

(Mrs. GREEN of Oregon asked and was given permission to revise and extend her remarks.)

Mrs. GREEN of Oregon. Mr. Chairman, I rise in support of H.R. 11655 and urge that it be passed.

The Committee on Education and Labor unanimously approved its passage. The Department of Health, Education, and Welfare has stated the bill incorporates all the changes in the national school lunch program which it, HEW, has recommended.

The committee believes the bill, incorporating a new formula, will increase the effectiveness of the program of Federal aid to nonprofit school lunch programs and at the same time provide greater opportunity for children needing such lunches to secure them.

The new formula provided by the bill includes apportionment of cash assistance funds among the States based upon total age population, as well as economic need. By revising the method of dividing the States' share of the cash assistance funds, the rate of cash assistance any State is able to pay its schools tends to be related more to the per capita income than to the rate of programmed growth.

I point out that this bill deletes from the language any reference to race. This seems tremendously important at this time in our history—8 years after the Supreme Court decision which ruled enforced segregation in public schools is unconstitutional. By amending this act through striking the language referring to separate schools for majority and minority races, the act would become more consistent with the basic philosophy of American education.

Mr. Chairman, at this point I wish to introduce in the RECORD text of letters from educators in my area which support the concepts embodied in H.R. 11655:

ASHLAND PUBLIC SCHOOLS,
Ashland, Oreg., May 10, 1962.

Hon. EDITH GREEN,
House of Representatives,
Washington, D.C.

MADAM: It is my understanding that H.R. 8962 is still pending. Also this seems to be the fate of the Senate bill 2442 in the Committee on Agriculture and Forestry and no action on it has been scheduled. Both these bills are favorable to Oregon in their purpose to allocate school lunch funds on the basis of student participation rather than child census as at present, since Oregon is a leading State in school lunch participation.

I should like to urge you to press for action before Congress adjourns. Thank you, and if I can be of help to you from my small vantage point, please call on me.

Very truly yours,
STANLEY C. JOBE,
Superintendent.

STATTON SCHOOL DISTRICT No. 77-CJ,
Statton, Oreg., February 12, 1962.

Hon. EDITH GREEN,
The House of Representatives,
Washington, D.C.

DEAR MRS. GREEN: As you are well aware, we have needed a more equitable method of

distributing Federal funds of the national school lunch program to the States. H.R. 8962 will provide a way to do this.

We have held the line on school lunches at 20 cents per meal for the past decade. However, each year our reimbursement becomes less.

Please give this bill your careful consideration and help us to continue to provide a nourishing hot lunch to a large number of pupils at a nominal charge.

Thank you.

Yours truly,

A. J. DICKSON.

REDMOND GRADE SCHOOL,
Redmond, Oreg., February 5, 1962.

Hon. EDITH GREEN,
House of Representatives,
Washington, D.C.

DEAR MRS. GREEN: Recently I reviewed proposed legislation that would affect all hot lunch programs in the Nation. As I recall it was listed as H.R. 8962. In my opinion this proposal, should it become a law, would be most acceptable to Oregon schools. The method of money distribution or payment for type A lunches served is much more fair than under the present law. I would be most happy to see this proposal be put into effect.

Thank you for your courtesy and work to promote H.R. 8962.

Respectfully,

HUGH HARTMAN,
Superintendent.

NORTH BEND PUBLIC SCHOOLS,
North Bend, Oreg., January 30, 1962.
Congresswoman EDITH GREEN,
House Office Building,
Washington, D.C.

DEAR MADAM: On behalf of the youngsters and taxpayers of this school district and others throughout the State, I wish to express to you my interest in H.R. 8962. This refers to a revision of the School Lunch Act.

It would seem to me that the proposal, to base distribution on actual participation, is far more equitable than is the method presently used. I would urge your support of this resolution.

I wish, also, to call to your attention the fact that the school age population continues to increase. The increase, presently, is largely centered at the high school level. These children eat more than do their younger brothers and sisters. It would seem that the amount of money to be allocated should remain in proportion to both the potential number of participants and the amount of consumption.

We appreciate, very much, the additional commodities received this year. The meat, especially, has enabled us to keep down our costs. And costs, in this phase of school affairs have been increasing along with the rest.

Your interest in these matters will be much appreciated.

Very truly yours,

HENRY H. HARTLEY,
Superintendent of Schools.

LANE COUNTY
SCHOOL DISTRICT No. 52,
Eugene, Oreg., January 29, 1962.

Hon. EDITH GREEN,
House of Representatives,
House Office Building,
Washington, D.C.

DEAR MRS. GREEN: I have been interested in H.R. 8962. According to my understanding, cash assistance remains at \$98.6 million but that the distribution formula will be changed. I have also noticed that the President's budget calls for an increase to \$118.6 million. I, personally, feel that the President's recommendation is a more realistic amount when one considers the increase in

our school population, and especially the number of children in the United States who are participating in this program.

The change in the formula for distributing the money to the States is also a very desirable change. This change will mean that States and schools will actually receive according to the number of children participating in the program. At the present time, a State is penalized if it has a relatively high number of children participating.

I sincerely urge your favorable consideration in helping bring about the passage of H.R. 8962 as well as supporting the President in his recommendation concerning the allocation for this act.

Sincerely yours,

TOM POWERS,
Superintendent.

HILTON-FREEWATER
PUBLIC SCHOOL SYSTEM,
Hilton-Freewater, Oreg., January 30, 1962.
Congresswoman EDITH GREEN,
Member of the U.S. House of Representatives,
U.S. House of Representatives Office
Building, Washington, D.C.

DEAR CONGRESSWOMAN GREEN: I am writing in reference to H.R. 8962 which concerns the revision of the National School Lunch Act. I am very definitely in favor of this revision as I feel that the allocation of Federal moneys to school lunch programs should be based on student participation rather than school enrollment. The number of students in a school system is relatively insignificant if the participation in the lunch program is small when considering the reimbursement rate for the operation of the school lunch program of a given State. Under the existing formula, a State with a large school-age population but with a very small percentage of children participating in the school lunches may receive significant funds to provide as much as 7 to 9 cents reimbursement per meal. At the same time in a State, such as Oregon, with a relatively low school-age population and a relatively high number of children participating in the school lunch program the rate of reimbursement is necessarily much lower. Under the present formula, the rate of reimbursement for Oregon schools averages only about 3.2 cents.

It is my opinion that this proposed revision of the National School Lunch Act is a step in the right direction as it will more nearly reimburse States on their student participation in school lunch programs rather than just on the population of the school-age children of a given State.

Any consideration you are able to give this proposed revision of the National School Lunch Act will be greatly appreciated.

Very truly yours,

JOHN THRASHER,
Superintendent.

COOS BAY PUBLIC SCHOOLS,
Coos Bay, Oreg., January 30, 1962.

Hon. EDITH GREEN,
Representative in Congress,
House Office Building,
Washington, D.C.

DEAR MRS. GREEN: We are much interested in H.R. 8962 regarding the school lunch program. The school lunch is of great value to the youth of our district and may be of value to the agricultural economy.

Some of our pupils come from homes that lack adequate finance, knowledge, and management to provide adequate meals for their children. For these pupils, the school lunch program is vital for their health, growth, physical and mental development. A good school lunch is valuable for all pupils. The school lunch program is a valuable assistance in maintaining national fitness. Those of us who are school administrators charged with the responsibility of education, have

recognized the value of the school lunch program. We trust that you will work diligently for the passage of H.R. 8962.

Many of us are of the opinion that the allocation to the several States should be on the basis of meals served instead of the school census. The distribution from the States to the school districts is based on meals served.

H.R. 8962 provides for the distribution to be made from the National Treasury to State treasury on the basis of meals served. This change in the present method is good.

Yours truly,

M. B. WINSLOW,
Superintendent.

DAVID DOUGLAS PUBLIC SCHOOLS,
Portland, Oreg., January 22, 1962.

HON. EDITH GREEN,
House Office Building,
Washington, D.C.

DEAR MRS. GREEN: It was suggested by Dr. Ray Wolf, Portland State College, that we contact you concerning the availability of funds for which we might apply to assist in our district curriculum work.

You are acquainted with the local situation and realize that this district is relatively new, having been a reorganized, unified district for less than 3 years, also that local funds are limited. The desire for curriculum development and changes to keep abreast of current research, inventions, and trends, is second only to the need to construct new buildings to keep up with the local population growth.

The faculty members are very anxious to explore and assimilate the trends in modern math which seem appropriate for the elementary and secondary curriculum.

Another group of teachers feels that a complete revision of the science program, based upon a thorough study, is highly desirable.

The emphasis on science and math seems to be an outgrowth of the influences of the national program.

Any suggestions or assistance you may give us will certainly be appreciated.

Respectfully,

FLOYD LIGHT,
Superintendent.
ALTA FOSBACK,
Curriculum Director.

JANUARY 29, 1962.

Representative EDITH GREEN,
House Office Building,
Washington, D.C.

DEAR MRS. GREEN: I would like to encourage you to give favorable consideration to House Resolution 8962 which proposes to change the formula for distributing money to the States under the National School Lunch Act.

The change proposed would tend to reduce the inequity of distribution, which at present allows certain States with a large school-age population and a small percentage of children participating under the National School Lunch Act to receive as much as 7 to 9 cents reimbursement per meal. In Oregon we have a relatively low school-age population and a relatively high number of children participating under the National School Lunch Act. Our rate of reimbursement averages approximately 3 cents per meal.

The appropriation to Oregon would be increased under the proposed revision and would be a benefit to us. May I again urge your favorable consideration to H.R. 8962.

Sincerely yours,

WILBUR M. OSTERLOH,
County School Superintendent.

PARKROSE PUBLIC SCHOOLS,
Portland, Oreg., January 26, 1962.

HON. EDITH GREEN,
House of Representatives,
Washington, D.C.

MADAM: It has come to our attention that Congressman JAMES G. O'HARA of Michigan has introduced a resolution (H.R. 8962) for the purpose of amending the distribution formula of the national school lunch appropriation.

In accordance with the National School Lunch Act of 1946, funds are appropriated on the basis of two factors: (1) Total school-age population in the State, and (2) the relationship of the per capita income in the State to the national average. In practice this works out that some States are able to distribute as much as 9 cents for each class A lunch served while in other States this amount is only 2 cents. In Oregon at the present time our reimbursement rate is 3 cents. The inequity of this formula is readily apparent.

It is my understanding that the proposed legislation would establish an interim period of 1 year for transition so that the impact on the program in States receiving higher reimbursement would be lessened. After that the reimbursement rates would be the same for all and would be based on pupil participation.

In my estimation this proposed change in the School Lunch Act deserves your support.

Very truly yours,

VICTOR R. CULLENS,
Superintendent.

MARCH 28, 1962.

To 472 Multnomah County Farm Bureau Families:

On sheet attached there is shown the 1962-63 budgeted school lunch program operating loss for each of eight school districts, taken from recently published figures but presented in a different form.

If the actual cost of food shown in the budget were known, the operating losses would be much greater. It is understood that Government surplus foods purchased are at only handling and transportation costs.

The deficits or operating losses are made up as shown from Federal funds, distributed through the State on more or less of a basis of need—and if not sufficient by a local levy.

It is doubtful there is any conclusive evidence that a hot luncheon is better healthwise than a cold one. It has been said that some parents are distraught at the thought of their children not having a hot meal at school but serve corn flakes for breakfast and a cold luncheon if convenient.

It appears that the Government has taken the matter in hand to dictate through the control of accepted funds what the children should eat. Thus the theory of welfare is promoted among children and parents.

Conceding that a hot luncheon may be desirable, it is probable that a locally controlled program could be proven healthwise satisfactory with a hot soup or drink and the children taking their own sandwiches, fruit, etc.

This is not necessarily to oppose school lunch programs of some sort, but to propose that they be self-sustaining without Government funds and local levies, and if continued on the present basis that operating losses be clearly shown in the budgets for better comprehension by the public.

You are urged to attend your school district's budget hearing if it has not yet been held. (See dates on sheet attached).

ARLINE SEIDLE.

Mr. BAILEY. Mr. Chairman, I yield such time as he may require to the gentleman from New York [Mr. CAREY].

(Mr. CAREY asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. CAREY. Mr. Chairman, I rise in favor of this legislation to amend and extend the National School Lunch Act. This avowal of support entails no heroic act of personal courage any more than it would merit distinction to oppose compulsory weaning of infants at a statutory age.

In brief, a hot lunch to a schoolchild is a booster to help him learn to cope with the cold war. To the end that this bill seeks to improve the flow of food and funds to areas of need and adjust inequities in distribution, it is deserving of support.

Unfortunately, the changeover in the distribution formula in this bill from one of per capita allocation to the new yardstick of rate of previous participation may well effect a reduction in assistance and possible hardship to some groups. This is particularly true of the share of nonpublic, nonprofit institutions in the program. The effect of the participation formula as to these schools is borne out in the hearings on this legislation on page 27. I refer to the statement of Mr. Howard P. Davis, Deputy Director of the Food Distribution Division, Agricultural Marketing Service, Department of Agriculture, in response to a question by the distinguished gentleman from Minnesota [Mr. QUAIL]:

Mr. Davis. That is right. In all fairness, so we do not leave the wrong impression with the committee, I believe there will be more instances where the private school rate will be lowered than there will be where it will be raised because, as the lady has already testified, generally speaking, across the country the participation in private schools for many very good reasons has been lower than it has been in the public schools, so that in all fairness I think you should know there will be more instances where it will be lowered than raised.

It is my belief that among the very good reasons why the participation of private schools has been low in the past is that many of these schools are unable to afford personnel for serving hot lunches or lack the physical plant equipment necessary for that task. This would be particularly true of those schools constructed before the mid-thirties when the school lunch program was instituted. I note that the distinguished gentleman from Michigan [Mr. O'HARA], a member of the committee, refers to this when he states on page 28 of the hearings and I read:

I feel to a large extent the lesser degree of participation by nonpublic schools is the result of the fact that a lower percentage of nonpublic schools have been financially able to equip their institutions with lunchroom facilities. I would personally like to see some effort made under this act, or under administrative action or under other programs, either to fund the existing provisions for assistance to such schools for the purchase of lunchroom equipment or too, in the alternative, provide a greater degree of assistance for lunches of a type which do not require preparation at the site.

I concur with the statement of the gentleman from Michigan and I would

hope that under the provision of section 5 of the bill which authorizes \$10 million for nonfood assistance, a start will be made toward providing facilities to enable more schools and a greater number of children to participate in the program. Incidentally, I am informed that since 1946 there has been an authorization of a similar amount for construction of food service facilities under the School Lunch Act. But the Department of Agriculture either has not sought or at least has not received an appropriation for this purpose. I hope that if this bill is enacted the Department will not drag its feet in seeking these funds to broaden its benefits.

I do not believe that the previous participation formula is meant to freeze out presently nonparticipating schools. I note that the bill provides for a transition period during the first year for a phaseover from the old system of per capita allocation to the new participation rule. I believe we should carefully watch the impact of the new formula to prevent any severe hardship as to any segment of the school system.

It deserves comment here that the record is bare of any objection to this legislation by private school authorities even though they may well experience some hardship under the revised formula. This is most commendable and speaks well for the position of these authorities that they do not seek Federal assistance in the financing of these schools but that if the Congress apprehends the acute need for such assistance it should be made available on the basis of that need with due regard for the welfare of every child and without discrimination as to the type of school he may attend. It might be said that while some inequality in dietary distribution may be suffered without complaint, discrimination in assistance for mental development is intolerable.

The fact that private school authorities made no presentment on this legislation should clearly give pause to those ill-advised persons who have stated that private school parents and educators have a "dog in the manger" attitude on educational assistance. To the credit of these parents and teachers all they have ever sought is a fair share of the Federal funds which represent their taxes be it for school lunches, textbooks, or transportation.

In conclusion let me state that I could not agree more heartily with the statement of the distinguished gentleman from Michigan [Mr. O'HARA] on page 28 of the hearings where he states:

With respect to this question of the allocation of funds for pupils in public schools and nonpublic schools, to call the attention of the committee to the fact that the justification for this program, in light of the interpretations of the first amendment as made by the U.S. Supreme Court on various cases, really depends upon a grant of assistance directly to the pupils. This is conceived as a program not of any aid to a particularly school or class of school but to American schoolchildren regardless of where they go to school. Equal assistance to them seems to me to be part of that justification.

Legislation which would extend this principle so clearly identifiable in this

bill and other bills dealing with higher education to elementary school aid has been introduced by me under H.R. 9896, by Mr. DELANEY, of Queens, under H.R. 9803 and Mr. SANTANGELO, of New York, under H.R. 9887. I am now pleased to note that we have truly bipartisan support of this legislation with the introduction of H.R. 11850 by Mr. HALPERN, of Queens. Now if we can legislate for the cerebral improvent of the children in the elementary and secondary schools with the same dispassionate and unemotional attitude we adopt toward the esophageal intake of these children, I am convinced we will avoid the pitfalls of the past and make the progress we need for the future.

Mr. ANFUSO. Mr. Chairman, I am happy to support the bill under discussion, H.R. 11665, to amend the National School Lunch Act.

As has already been explained by others, this bill seeks to revise the formula for providing funds to the States for lunches to schoolchildren. Instead of distributing such funds only on the basis of the number of schoolchildren, as heretofore, assistance will also be provided on the basis of need, especially in areas suffering from poor economic conditions and prolonged unemployment.

This is a logical approach. Our young generation should be given every possible opportunity to grow up, develop, and acquire the proper education without the worries of where the next meal would come from. The school lunch program, as I see it, is a basic investment in the future of our youth, in raising a healthy and a happy generation of Americans. If some will criticize this program as a handout or a giveaway, I say that this is the most desirous and the most meritorious of such projects and we should have more of it.

I hope and trust that the day will come soon when no child in this country, regardless of race, color, creed or economic status, will go to school hungry or will have to sit through an entire day at school without a meal. Unfortunately, there are still many children in this rich country of ours who are forced to do so because the family is unable to provide them with adequate food due to poverty or unemployment and the schools do not have the funds or the facilities to provide youngsters with lunch.

The school lunch program is not a new or a recent project. It dates back to the depression years of the 1930's when we utilized some of our surplus foods for needy children. In the 1940's it was changed into a cash assistance program where the Federal Government provided funds to the schools to purchase food and thus continue their lunch program. Over the years it developed to an extent where nutritional standards were prescribed by the Department of Agriculture to give the children the greatest possible benefit. In some communities lunches are served free to children unable to pay the small price; the lunch programs are operated on a non-profit basis to keep the costs down, and matching funds are provided by the States and local committees.

I am pleased to note also that over the years the appropriation for this program was steadily increased. In the 1940's Congress appropriated annually between \$70 and \$75 million; by 1957 the appropriation for the school lunch program reached \$100 million. In the 1962 fiscal year a total of \$125 million was appropriated for this program and an additional \$45 million was made available from so-called section 32 funds which are provided annually to the Department of Agriculture for purposes of expanding our markets for agricultural products at home and abroad. Thus, the total for this year was \$170 million.

For the 1963 fiscal year, I understand that the same appropriation is under consideration; that is, \$125 million plus an additional \$45 million to be made available from section 32 funds. While it may be pointed out that this is more than twice what the appropriation was in the 1940's let us remember also that our population has grown considerably in the last two decades and that our needs are greater today. In 1947 the school lunch program was extended to some 34,000 schools in the country and lunches were served to about 4½ million children. By 1961 close to 64,000 schools participated in the program and nearly 13½ million children benefited from the lunches. In other words, three times as many children were benefited under this program last year than 15 years ago.

There is room for expansion. Congress can make no better investment in the future of America than in increasing the funds for this program until we reach a point where every child of school age will be provided with an adequate meal on school days. I believe that this bill we have under consideration is a step in that direction. By revising the formula for apportioning cash assistance funds to the States we shall be able to increase the participation of more schools and more children in the lunch program, particularly in the poorer, low-income, economically depressed areas which until now were not able to participate because they lacked the necessary matching funds or because the Federal funds were not sufficient to meet their needs to provide free- or low-cost lunches to the children.

Mr. Chairman, it was my privilege and my honor to serve during two Congresses as a member of the House Committee on Agriculture, where I had the opportunity to become aware of and to appreciate the great contribution our farm people are making to the health and the welfare of this Nation. Our farmers have blessed the American people with an abundance of food, for which we are thankful every day in the year. They have made the food available so that we may develop and operate the school lunch program, and the abundance they have created is today being shared by many needy people in our own country and by people in friendly nations around the world.

In conclusion, I will say to the House that in supporting this measure and in urging all my colleagues to vote for it, I salute the American farmer who has blessed us all with this bounty. We

should see to it that it is made available to every American child.

Mr. BAILEY. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. Brooks, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 11665) to revise the formula for apportioning cash assistance funds among the States under the National School Lunch Act, and for other purposes, had come to no resolution thereon.

PROGRAM FOR THE WEEK OF JUNE 4, 1962

(Mr. ARENDS asked and was given permission to address the House for 1 minute.)

Mr. ARENDS. Mr. Speaker, I asked for this time in order to request the majority leader to advise us concerning the program for next week.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. ARENDS. I yield to the majority leader.

Mr. ALBERT. Mr. Speaker, in response to the inquiry of the acting minority leader, this finishes the legislative business for this week.

On Monday we will take up the Consent Calendar. There is one suspension scheduled, H.R. 7757—unrelated business income of nonprofit hospitals.

Any rollcall votes except on rules on Monday or Tuesday will go over until Wednesday because of Iowa, California, Idaho, Mississippi, Montana, and South Dakota primaries, also the Connecticut State nominating convention.

If the gentleman will yield for that purpose, Mr. Speaker, I ask unanimous consent that any rollcall votes on Monday or Tuesday except as indicated go over to Wednesday next.

Mr. GROSS. Reserving the right to object, Mr. Speaker, do we know as yet the legislation that is to come up on Monday and Tuesday?

Mr. ALBERT. Mr. Speaker, I withdraw my request until I have advised the gentleman of the program for Tuesday.

The Private Calendar will be called on Tuesday next, and on Tuesday next we will continue the consideration of H.R. 11665 under the 5-minute rule; also H.R. 8845, relating to obstructions of investigations.

Further for Tuesday and the balance of the week, H.R. 5532, to amend the Armed Services Procurement Act of 1947, and H.R. 11879, the Tax Rate Extension Act of 1962.

Mr. Speaker, I make the usual reservation that conference reports may be brought up at any time and any further program may be announced later.

I should like to advise the House that I will make an additional announcement as to the legislative program for Wednesday and the balance of the week on Wednesday next.

Mr. Speaker, I renew my unanimous consent request that any rollcall votes except on rules or procedural matters on Monday and Tuesday of next week may go over until Monday next.

Mr. GROSS. Further reserving the right to object, Mr. Speaker, do I understand correctly that the bill that was under consideration so briefly here today will be called up again on Tuesday of next week, and that the gentleman is requesting that any rollcall votes that may be in order on Tuesday go over until Wednesday?

Mr. ALBERT. The gentleman is correct.

Mr. GROSS. This would mean that if a rollcall vote on this bill could be obtained on Tuesday it would have to go over until Wednesday next?

Mr. ALBERT. The gentleman is correct.

Mr. GROSS. That again could mean, as it has in the last 10 days on a couple of occasions, that someone could put on a quorum call on Wednesday and it might not be possible to have a rollcall vote at all under those circumstances. I do not know how much further we are going to go with this process of putting over rollcall votes and then having someone rise and put on a quorum call for the deliberate purpose of heading off a rollcall, when the rollcall would have been in order at the time the bill was ready for passage.

I will say to the distinguished majority leader this is getting to be an effective device that is being worked, and I would hope that procedure is not going to be used extensively in the future. I do not like to object to putting over rollcall votes, but I will be constrained to do so if that is the parliamentary procedure that is going to be used to head off rollcall votes.

Mr. ALBERT. The point the gentleman is making has nothing to do with the decision to bring this matter up on Tuesday next, with reference to this particular bill. I can assure the gentleman of that.

Mr. GROSS. I do not question that at all. I am simply pointing out the mechanics of this situation, the mechanics that can be used and that have been used in the last 10 days or 2 weeks.

Mr. ALBERT. Of course, a Member's right to make a point that a quorum is not present is always protected to that Member, and it can be made whether the vote comes on Tuesday or Wednesday immediately prior to the vote on the passage of a bill.

Mr. GROSS. But I will say to the gentleman, if he will bear with me, that the Member's right to have a rollcall on the basis of no quorum when the bill is called up for a vote is not protected, and that is wrong.

That right is lost. The gentleman is well aware of that, I am sure.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

ADJOURNMENT OVER

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet on Monday next.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

CALENDAR WEDNESDAY BUSINESS

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule may be dispensed with on Wednesday next.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

[Mr. MORRIS K. UDALL addressed the House. His remarks will appear hereafter in the Appendix.]

GENERAL LEAVE TO EXTEND

Mr. MORRIS K. UDALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the life, service, and character of the late Senator Ashurst.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

CORRECTION OF RECORD

Mrs. GREEN of Oregon. Mr. Speaker, I ask unanimous consent that a mistake in the RECORD of May 9 may be corrected. On page 7395, line 7, in a statement I made in regard to the Philippine indemnity bill, the figure should read "\$73 million" instead of "\$7 million." I ask unanimous consent that the correction be made accordingly.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

THE COMING BOOM IN IGNORANCE

(Mrs. GREEN of Oregon asked and was given permission to extend her remarks at this point in the body of the RECORD.)

Mrs. GREEN of Oregon. Mr. Speaker, I call the attention of my colleagues to an editorial entitled "The Coming Boom in Ignorance" in the May 12 issue of the conservative Saturday Evening Post that clearly and forcefully illustrates the need for additional Federal assistance in the field of education. It properly points out the continuing role of the Federal Government in education extending back to 1785. The editorial also makes a compelling point in the area of assistance to elementary and secondary schools. I find the editorial enlightening:

THE COMING BOOM IN IGNORANCE

The most fearful sound of our continuing population explosion could, within the decade, be a big boom in ignorance. American education, once a legitimate source of national pride because it provided a chance at learning for almost everybody, may wind up offering less and less for anybody. Right now, alongside the old three R's, almost every school system in the United States would have to chalk the four U's: understaffed, underequipped, underfinanced, and underpar. With each passing semester the situation gets worse.

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For information only;
should not be quoted
or cited)

Issued June 6, 1962
For actions of June 5, 1962
87th-2d, No. 90

CONTENTS

Appropriations.....18	Foreign trade.....8,17,26	Retirement.....32
CCC commodities.....15	Forestry.....27,39	School lunch.....1,29
Census... ..36	Labeling.....23	Sheep.....34
Conservation payment....40	Lands.....39	Small business.....13
Debt ceiling.....4,33	Lobbying.....10	Soil survey.....14
Economic growth.....16	Medical insurance.....22	Stockpiling.....15
Electrification.....19,24	Minerals.....3	Taxation.....6
Farm program.....31,37	Patents.....5	Timber.....27
Federal aid.... ..21	Personnel.....28,32	Trade.. ..23
Fiscal conditions.....20	Public works.....7	Trademarks.....38
Fisheries.....9	Reclamation.....25	Water pollution.....35
Foreign aid.....2,11	Research.....30	Wheat.....12

HIGHLIGHTS: House continued debate on school lunch fund apportionment bill. House committee voted to report foreign aid bill. Senate debated foreign aid bill. Senate received 1962 International Wheat Agreement.

HOUSE

1. SCHOOL LUNCH PROGRAM. Continued debate on H. R. 11665, to revise the formula for apportioning cash assistance funds among the States under the National School Lunch Act. pp. 8986-96, 9025-7
2. FOREIGN AID. The Foreign Affairs Committee voted to report (but did not actually report) H. R. 11921, the proposed Foreign Assistance Act of 1962. p. D435
3. MINERALS. The "Daily Digest" states that the Subcommittee on Mines and Mining of the Interior and Insular Affairs Committee "in executive session, ordered reported favorably to the full committee H. R. 7364 (amended), to provide for the conveyance of certain mineral interests of the U. S. in property in South Carolina to the record owners of the surface of the property; H. R. 9280 (amended), to amend section 2 of the Materials Act; H. R. 11049 (amended), to provide

for the relief of certain oil and gas lessees under the Mineral Leasing Act (H. R. 10732, an identical bill, was reported to the full committee for proper action); and H. R. 10540 (amended), to exclude deposits of petrified wood from appropriation under the U. S. mining laws." p. D435

4. DEBT CEILING. The "Daily Digest" states that the Ways and Means Committee "Met in executive session and ordered the chairman to introduce a bill in the House, H. R. 11990, regarding a temporary increase in the public debt ceiling for the fiscal year 1963." p. D435
5. PATENTS. The Judiciary Committee voted to report (but did not actually report) H. R. 10966, to fix the fees payable to the Patent Office. p. D435
6. TAXATION. The Rules Committee reported a resolution for the consideration of H. R. 11879, to provide a 1-year extension of the existing corporate normal-tax rate and of certain excise-tax rates. p. 9028
7. PUBLIC WORKS. The "Daily Digest" states that the Judiciary Committee "rescinded previous action on H. J. Res. 688 and ordered favorably reported to the House in lieu thereof S. J. Res. 68 (amended), to provide for the designation of the week commencing October 1, 1962, as 'National Public Works Week.'" p. D435
8. FOREIGN TRADE. Rep. James C. Davis criticized H. R. 11970, the proposed Trade Expansion Act of 1962, especially with regard to the Common Market. pp. 9008-12
9. FISHERIES. Received from Interior a report of operations conducted by or under contract with the Bureau of Commercial Fisheries of the Department of the Interior to encourage the distribution of domestically produced fishery products for fiscal year 1960. p. 9027
10. LOBBYING. Received the quarterly reports on lobbying activities. pp. 9029-59

SENATE

11. FOREIGN AID. Began debate on S. 2996, the proposed Foreign Assistance Act of 1962 (pp. 8940-1, 8955-61, 8967-80). Agreed to the committee amendments en bloc and the bill as amended is considered original text for purposes of amendment (pp. 8955-8). Pending at adjournment was a proposed amendment by Sen. Proxmire to suspend aid to Yugoslavia for one year (pp. 8969-80).
Sen. Javits (for himself and Sens. Bush, Clark, Douglas, Keating, Kuchel, Morse, and Scott), Keating, Hickenlooper, Church, and Javits submitted amendments intended to be proposed to this bill, S. 2996. pp. 8923-4, 8967, 8976-7
Sen. Muskie inserted a report by the Deputy Administrator of AID on the activities of our allies in the foreign aid field, "Allies Are Carrying Their Share of Aid." pp. 8932-4
12. WHEAT. Received from the President for ratification a certified copy of the 1962 International Wheat Agreement and the report of the Secretary of State regarding the agreement; to Foreign Relations Committee. p. 8905
13. SMALL BUSINESS. The Banking and Currency Committee reported with amendment S. 2970, to increase the authorization for the Small Business Administration for fiscal year 1963 to \$250 million (S. Rept. 1542). pp. 8907-8
14. SOIL SURVEY. Received from Interior a report that an adequate soil survey and land reclassification has been made of the lands of the San Luis unit, Central Valley project, Calif. p. 8906

connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendment:

Page 1, line 11 and page 2, line, strike out "in excess of 10 per centum thereof".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ESTELLE L. HEARD

The Clerk called the bill (H.R. 9834) for the relief of Estelle L. Heard.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$880.23 to Estelle L. Heard, of Danville, Virginia, in full settlement of her claims against the United States for compensation for damage to her 1958 Chevrolet sedan sustained in an accident which occurred on March 12, 1961, near South Boston, Virginia, when her automobile was struck and seriously damaged by a United States Army truck and trailer. This claim has been determined not to be cognizable under the tort claims provisions of title 28 of the United States Code on the ground that the Army driver was not acting within the scope of his employment at the time of the collision: *Provided,* That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MRS. WILLIAM W. JOHNSTON

The Clerk called the bill (H.R. 9942) for the relief of Mrs. William W. Johnston.

Mr. CONTE. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

FRANCIS L. QUINN

The Clerk called the bill (H.R. 10525) for the relief of Francis L. Quinn.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby author-

ized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Francis L. Quinn, of Concord, Massachusetts, the sum of \$300. Such sum represents reimbursement to the said Francis L. Quinn for paying out of his own funds judgments rendered against him in the Middlesex District East Cambridge, Massachusetts Court, as the result of an accident occurring when said Francis L. Quinn was operating a Government motor vehicle in the course of his duties as an employee of the United States Post Office Department: *Provided,* That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DON C. JENSEN AND BRUCE E. WOOLNER

The Clerk called the bill (H.R. 11758) for the relief of Don C. Jensen and Bruce E. Woolner.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Don C. Jensen and Bruce E. Woolner are hereby relieved of all liability to pay to the United States the amounts listed opposite their names, representing unaccounted for outstanding balances in their accounts while serving as disbursing officers of the United States: Don C. Jensen, \$415.99; Bruce E. Woolner, \$804.73.

Sec. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Don C. Jensen and Bruce E. Woolner, the sum of any amounts received or withheld from them on account of the outstanding balances referred to in the first section of this Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ELIZABETH A. JOHNSON

The Clerk called the bill (H.R. 10308) for the relief of Elizabeth A. Johnson.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Civil Service Retirement Act, Leroy Johnson shall be presumed to have elected, upon his retirement from Congress January 2, 1957, to receive a reduced annuity and an annuity equal to one-half his life annuity payable after his death to his widow, Elizabeth A. Johnson.

Sec. 2. Notwithstanding any other provision of law, benefits payable by reason of the enactment of this Act shall be paid from the civil service retirement and disability fund.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DR. TING-WA WONG

The Clerk called the bill (S. 315) for the relief of Dr. Ting-Wa Wong.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Ting-Wa Wong shall be held and considered to have been lawfully admitted to the United States for permanent residence as of September 11, 1958, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

KENNETH DAVID WOODEN

The Clerk called the bill (S. 1962) for the relief of Kenneth David Wooden.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purpose of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor child, Kenneth David Wooden, shall be held and considered to be the natural-born alien child of Harold Hoover Wooden, a citizen of the United States: *Provided,* That no natural parent of Kenneth David Wooden, by virtue of such parentage, shall be accorded any right, privilege, or status under the Immigration and Nationality Act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ANTONIA LONGFIELD-SMITH

The Clerk called the bill (S. 2011) for the relief of Antonia Longfield-Smith.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor child, Antonia Longfield-Smith, shall be held and considered to be the natural-born alien child of Captain and Mrs. John W. Longfield-Smith, citizens of the United States: *Provided,* That the natural parents of the beneficiary shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TINA JANE BELAND

The Clerk called the bill (S. 2099) for the relief of Tina Jane Beland.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the

purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor child, Tina Jane Beland, shall be held and considered to be the natural-born alien child of Marcel Albert Beland and Lottie Beatrice Beland, citizens of the United States: *Provided*, That the natural parents of the said Tina Jane Beland shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MRS. EVA LONDON RITT

The Clerk called the bill (S. 2143) for the relief of Mrs. Eva London Ritt.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, as amended, Mrs. Eva London Ritt shall be held and considered to be and to have been on July 30, 1961, within the purview of section 354(5) of that Act.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following: "That, for the purposes of title III of the Immigration and Nationality Act, section 352(a)(2) of the Said Act shall be deemed to have been and to be inapplicable in the case of Mrs. Eva London Ritt, a naturalized citizen of the United States: *Provided*, That the said Mrs. Eva London Ritt establishes residence in the United States, as defined in section 101(a)(33) of the Immigration and Nationality Act, prior to the expiration of thirty-six months following the date of the enactment of this Act."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FELIPE O. PAGDILAO

The Clerk called the bill (S. 2147) for the relief of Felipe O. Pagdilao.

Mr. ANDERSON of Illinois. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

DEMITRIOS DUNIS

The Clerk called the bill (H.R. 1609) for the relief of Demitrios Dunis.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 203(a)(2) and 205 of the Immigration and Nationality Act, Demitrios Dunis shall be held and considered to be the natural-born son of Vasilikie D. and Gus Harry Dunis, citizens of the United States: *Provided*, That the natural parents of the beneficiary shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act.

With the following committee amendments:

On page 1, line 3, strike out "sections 203(a)(2)" and insert in lieu thereof "sections 101(a)(27)(A)".

On page 1, line 5, after the words "the natural-born" strike out the word "son" and substitute the words "alien minor child".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MRS. LESLIE M. PATERSON ET AL.

The Clerk called the bill (H.R. 1469) for the relief of Mrs. Leslie M. Paterson, Janet Paterson, and Mary Paterson.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, Mrs. Leslie M. Paterson, the widow of a United States citizen, and her daughters, Janet and Mary Paterson, shall be deemed to be within the purview of section 101(a)(27)(A) of the Immigration and Nationality Act, and the provisions of section 205 of that Act shall not be applicable in this case.

With the following committee amendment:

Strike out after the enacting clause and insert in lieu thereof the following: "That, for the purposes of the Immigration and Nationality Act, section 202(c) of that Act shall be inapplicable in the cases of Mrs. Leslie M. Paterson, Janet Paterson, and Mary Paterson."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FRANTISEK TISLER

The Clerk called the bill (H.R. 6838) for the relief of Frantisek Tisler.

There being no objection, the Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Frantisek Tisler lawfully admitted for permanent residence in the United States on September 1, 1959, shall be held to be included in the class of applicants for naturalization exempted from the provisions of section 313(a) of the Immigration and Nationality Act, as such class is specified in section 313(c) of the said Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FERDINAND A. HERMENS

The Clerk called the bill (H.R. 10371) for the relief of Ferdinand A. Hermens.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 352(a) of the Immigration and Nationality Act shall not apply to any period of residence

of Ferdinand A. Hermens, a naturalized citizen of the United States, in Germany after April 30, 1962, and prior to May 1, 1965.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ROSINA LUISI (SISTER MARY ROSINA) AND MARIA FATIBENE (SISTER M. VALENTINA)

The Clerk called the bill (H.R. 10960) for the relief of Rosina Luisi (Sister Mary Rosina) and Maria Fatibene (Sister M. Valentina).

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Rosina Luisi (Sister Mary Rosina) and Maria Fatibene (Sister M. Valentina), shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fees. Upon the granting of permanent residence to such aliens as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct the required numbers from the appropriate quota or quotas for the first year that such quota or quotas are available.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER. This concludes the call of the Private Calendar.

AMENDMENTS TO NATIONAL SCHOOL LUNCH ACT

Mr. BAILEY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 11665) to revise the formula for apportioning cash assistance funds among the States under the National School Lunch Act, and for other purposes.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 11665, with Mr. THOMPSON of Texas presiding as Chairman pro tempore.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee rose on Thursday, May 31, the gentleman from West Virginia [Mr. BAILEY] had 6 minutes remaining and the gentleman from New Jersey [Mr. FRELINGHUYSEN] had 7 minutes remaining.

The Chair recognizes the gentleman from West Virginia [Mr. BAILEY].

Mr. BAILEY. Mr. Chairman, I yield myself such time as is necessary to offer some explanation of this legislation in the nature of a communication from the Department of Agriculture, which administers the hot school lunch program.

The letter is as follows:

DEPARTMENT OF AGRICULTURE,
Washington, D.C., June 4, 1962.

HON. CLEVELAND M. BAILEY,
Chairman, Subcommittee on General Education,
Committee on Education and Labor,
House of Representatives, Washington, D.C.

DEAR MR. BAILEY: This is in reply to Mr. McCord's request for additional information with respect to section 11 of H.R. 11665, now pending before the House of Representatives. Specifically, we understand that certain questions have been raised concerning the discretionary authority this Section of the bill would provide to the Secretary in the use of funds for special school lunch assistance to schools which draw attendance from economically needy areas.

As representatives of this Department testified before the Subcommittee on General Education, the purpose of section 11 is to make special provision for those communities and those children that are least able to take advantage of the school lunch program. These schools draw their attendance from areas in which poor economic conditions exist and where a large proportion of the children would need to receive free or substantially reduced price meals if an adequate school lunch program were to be operated.

Our experience has demonstrated that the amount of cash assistance that can now be provided to these States under the regular school lunch assistance program, together with the limited amount of funds that such communities can provide, is not sufficient to finance the cost of serving school lunches to all of the children in the school who need to receive lunch at no cost or at a token charge of, perhaps, a few pennies or 5 or 10 cents. The funds authorized to be appropriated under section 11 would be used to provide these schools with sufficient Federal cash assistance to permit the needy children to have the benefits of an adequate school lunch.

The broad discretionary authority contained in section 11 is not intended to change the basic administrative pattern of the national school lunch program. The responsibility for the selection of schools for section 11 assistance, and the disbursement of section 11 funds, will be left in the hands of State educational agencies, except in the 29 States or territories where State law makes it necessary for the Department of Agriculture to deal directly with private schools in the administration of the current school lunch assistance program. Rather, this discretionary authority is designed to give the Department time to work out with State educational agencies the most effective and practical policies and procedures for identifying those schools in need of special assistance and for disbursing the special assistance funds to such schools, within the framework of existing school lunch administrative patterns of the various States.

The terms and conditions relating to the expenditure of section 11 funds will be published in the Federal Register as part of the Federal regulations governing the operation of the national school lunch program. They will apply equally in all States and territories and to the Federally assisted school lunch programs administered by State educational agencies as well as to such programs in private schools which must be administered by the Department of Agriculture. As indicated in the report which accompanied H.R. 11665 (No. 1673), these terms and conditions will (1) establish a reserve of section 11 funds for each of the States and territories; (2) require that schools wishing to obtain section 11 assistance make specific application for such assistance; (3) outline the factors to be considered by State educational agencies and the Department in approving schools for section 11 assistance; and

(4) establish a maximum per-meal rate of cash assistance that may be paid to approved schools by the States or the Department out of section 11 funds.

The method of administration, therefore, follows the policies and procedures now in use in the administration of the current program of Federal school lunch assistance. Likewise, schools approved for special assistance will be required to meet the same operating standards required of other schools receiving Federal school lunch assistance.

Thus, basically, the discretionary authority contained in the bill is designed to permit State educational agencies working in close cooperation with the Department to explore administrative techniques to identify those schools in need of special assistance and to determine, on the basis of operating experience, the extent of the need for such assistance among the various States and territories, and the amounts of special assistance the majority of such schools may require.

We intend, if such authority is granted to the Department for fiscal 1963, to undertake a detailed evaluation of the results obtained under this authority, together with recommendations for further changes in policies and procedures. We would intend to keep the subcommittee informed concerning our evaluation and recommendations, looking to the period when the experience of State educational agencies and the Department would permit a more definitive legislative authorization for such a program of special school lunch assistance.

Sincerely yours,

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

Mr. FRELINGHUYSEN. Mr. Chairman, I yield myself such time as I may consume.

As the gentleman from West Virginia has said, a number of questions were raised when this bill was discussed last week with respect to the proposed revisions suggested by the committee. In particular, criticism was leveled against section 11. This section, in my opinion, was a very undesirable and unnecessary blank check with respect to substantial new funds to supplement the existing program. The gentleman in a statement described this criticism as Republican obstructionism.

I want to assure the Members that there is no effort on the part of any Republican to obstruct the passage of reasonable legislation. I do feel, however, that we need a more adequate discussion of the proposed revisions of law.

The change, for instance, will adversely affect the District of Columbia. There is a very substantial reduction in the amount of money available for the District of Columbia, which will be offset to a small degree by an additional amount to be received because of the milk which the District is supplying schoolchildren here.

Even more fundamental is my objection to the proposed section 11. The gentleman from West Virginia has read extensively from a letter from the Department of Agriculture. This points out how they would administer these funds if they should be authorized and appropriated.

If a new program of considerable size is to be enacted, we ourselves should put in legislative guidelines to aid the Secretary. We should not be forced to rely on what the Administrator of the program thinks he would do.

As an example, it seems essential that we indicate how active the State educational agencies would be with respect to the needed aid. We should provide some kind of criteria to determine how funds would be made available to the so-called needy school districts, and under what terms. Without any guidance, and the report indicates the necessity for guidance on pages 6, 7, and 8, we are simply providing in effect a new program. It will seek to supplement what apparently are going to be continuing inequities, in spite of the proposed amendments to the legislation we now have.

I might say that the letter from the Department of Agriculture in no way lessens my objection to the section. Instead, it underlines the necessity for us to strike out entirely this language in section 11. At the very least we should provide some assistance to the Department in working out, as they say, effective and practical policies and procedures for identifying the schools which are in need of this special assistance, and for disbursing these funds.

As I have already indicated, we suggest guidelines only by this reference in the debate. Of necessity this must be sketchy. Without legislative provisions, there is no assurance that present administrative procedures will be followed with respect to the new funds. There is no ceiling on the amount of funds to be authorized. Indeed, there is no indication now just how extensive the need may be for supplementing existing programs. It seems premature for us to advocate a new program along these lines. As I said last week, I am as anxious as anyone to see as many schoolchildren as possible fed adequate meals, but I do not think this is a proper way for us to proceed to achieve that end.

In my opinion, we should proceed with the proposed revisions of the act, and strike entirely the new program represented by section 11. I repeat, I propose to offer an amendment to strike entirely that language. This in no way prejudices the other suggested changes. These changes, I might say, to summarize what we said last week, are an attempt to put the aid where it is needed, in the so-called needy schools, and to give certain other areas less. In that process of giving less—the State of Alaska will get substantially less, and particularly the District of Columbia—we should guard against creating new inequities in the effort to see that the existing funds go further and do more than they do today.

In any event we should not authorize the establishment of a new program without any kind of an indication as to how this program is to be conducted.

Therefore, Mr. Chairman, I would like to repeat, I will offer an amendment at the appropriate time to strike out section 11 from the bill. We can then proceed with the consideration of these proposed revisions, to which I think there is no substantial opposition.

The CHAIRMAN. All time having expired, the Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the National School Lunch Act is amended to read as follows:

"APPROPRIATIONS AUTHORIZED

"SEC. 3. For each fiscal year there is hereby authorized to be appropriated, out of money in the Treasury not otherwise appropriated, such sums as may be necessary to enable the Secretary of Agriculture (hereinafter referred to as the 'Secretary') to carry out the provisions of this Act, other than section 11."

SEC. 2. Section 4 of the National School Lunch Act is amended to read as follows:

"APPORTIONMENTS TO STATES

"SEC. 4. The sums appropriated for any fiscal year pursuant to the authorization contained in section 3 of this Act, excluding the sum specified in section 5, shall be available to the Secretary for supplying agricultural commodities and other foods for the program in accordance with the provisions of this Act. The Secretary shall apportion among the States during each fiscal year not less than 75 per centum of the funds made available for such year for supplying agricultural commodities and other foods under the provisions of section 3 of this Act. Apportionment among the States shall be made on the basis of two factors: (1) the participation rate for the State, and (2) the assistance need rate for the State. The amount of apportionment to any State shall be determined by the following method: First, determine an index for the State by multiplying factors (1) and (2); second, divide this index by the sum of the indices for all the States (exclusive of American Samoa for periods ending before July 1, 1967); and third, apply the figure thus obtained to the total funds to be apportioned. If any State cannot utilize all funds so apportioned to it, or if additional funds are made available under section 3 for apportionment among the States, the Secretary shall make further apportionments to the remaining States in the same manner. Notwithstanding the foregoing provisions of this section, (1) for the fiscal year beginning July 1, 1962, one-half of any funds available for apportionment among the States shall be apportioned in the manner used prior to such fiscal year, and one-half of any such funds shall be apportioned in accordance with the foregoing provisions of this section, and (2) for the five fiscal years in the period beginning July 1, 1962, and ending June 30, 1967, the amount apportioned to American Samoa shall be \$25,000 each year, which amount shall be first deducted from the funds available for apportionment in determining the amounts to be apportioned to the other States."

SEC. 3. (a) Section 5 of the National School Lunch Act is amended by striking out the last sentence thereof.

(b) Section 6 of the National School Lunch Act is amended by striking out "and less the amount apportioned to him pursuant to sections 4, 5, and 10" and inserting in lieu thereof the following: "less the amount apportioned by him pursuant to sections 4, 5, and 10, and less the amount appropriated pursuant to section 11".

SEC. 4. Section 10 of the National School Lunch Act is amended by striking out "the same proportion of the funds as the number of children between the ages of 5 and 17, inclusive, attending nonprofit private schools within the State is of the total number of persons of those ages within the State attending school" and inserting in lieu thereof the following: "an amount which bears the same ratio to such funds as the number of lunches, consisting of a combination of foods and meeting the minimum requirements prescribed by the Secretary pursuant to section 9, served in the preceding fiscal year by

all nonprofit private schools participating in the program under this Act within the State, as determined by the Secretary, bears to the participation rate for the State".

SEC. 5. Section 11 of the National School Lunch Act is redesignated as section 12 and subsections (c) and (d) thereof are amended to read as follows:

"(c) In carrying out the provisions of this Act, neither the Secretary nor the State shall impose any requirement with respect to teaching personnel, curriculum, instruction, methods of instruction, and materials of instruction in any school.

"(d) For the purposes of this Act—

"(1) 'State' means any of the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, or American Samoa.

"(2) 'State educational agency' means, as the State legislature may determine, (A) the chief State school officer (such as the State superintendent of public instruction, commissioner of education, or similar officer), or (B) a board of education controlling the State department of education.

"(3) 'Nonprofit private school' means any private school exempt from income tax under section 501(c)(3) of the Internal Revenue Code of 1954.

"(4) 'Nonfood assistance' means equipment used by schools in storing, preparing, or serving food for schoolchildren.

"(5) 'Participation rate' for a State means a number equal to the number of lunches, consisting of a combination of foods and meeting the minimum requirements prescribed by the Secretary pursuant to section 9, served in the preceding fiscal year by schools participating in the program under this Act in the State, as determined by the Secretary.

"(6) 'Assistance need rate' (A) in the case of any State having an average annual per capita income equal to or greater than the average annual per capita income for all the States, shall be 5; and (B) in the case of any State having an average annual per capita income less than the average annual per capita income for all the States, shall be the product of 5 and the quotient obtained by dividing the average annual per capita income for all the States by the average per capita income for such State, except that such product may not exceed 9 for any such State. For the purposes of this paragraph (1) the average annual per capita income for any State and for all the States shall be determined by the Secretary on the basis of the average annual per capita income for each State and for all the States for the three most recent years for which such data are available and certified to the Secretary by the Department of Commerce; and (ii) the average annual per capita income for American Samoa shall be disregarded in determining the average annual per capita income for all the States for periods ending before July 1, 1967.

"(7) 'School' means any public or nonprofit private school of high school grade or under and, with respect to Puerto Rico, shall also include nonprofit child-care centers certified as such by the Governor of Puerto Rico."

SEC. 6. The National School Lunch Act is further amended by inserting immediately after section 10 thereof the following new section:

"SPECIAL ASSISTANCE

"SEC. 11. There is hereby authorized to be appropriated such sums as may be necessary to enable the Secretary, under such terms and conditions as he deems to be in the public interest, to provide special assistance to schools drawing attendance from areas in which poor economic conditions exist, for the purpose of helping such schools to meet the requirements established in this Act concerning the service of lunches to children unable to pay the full cost of such lunches."

SEC. 7. The amendments made by this Act shall take effect on July 1, 1962.

Mr. BAILEY (interrupting the reading of the bill). Mr. Chairman, I ask unanimous consent that the further reading of the bill be dispensed with and that it be open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. BAILEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BAILEY: On Page 7, strike out lines 1 through 10, and insert in lieu thereof the following:

"SPECIAL ASSISTANCE

"SEC. 11 (a) There is hereby authorized to be appropriated for the fiscal year ending June 30, 1963, the sum of \$10,000,000, and for each fiscal year thereafter such sums as Congress may determine to be necessary, to provide special assistance to schools drawing attendance from areas in which poor economic conditions exist, for the purpose of helping such schools to meet the requirements established in this Act concerning the service of lunches to children unable to pay the full cost of such lunches.

"(b) The Secretary shall establish the terms and conditions under which State educational agencies shall approve schools for such special assistance and under which such agencies shall disburse to approved schools the funds appropriated pursuant to this section.

"(c) The terms and conditions established pursuant to subsection (b) of this section shall be used by the Secretary in supplying special assistance to nonprofit private schools in any State in which the State educational agency is not permitted by law to disburse the funds paid to it under this Act to nonprofit private schools in the State or is not permitted by law to match Federal funds made available for use by such nonprofit private schools."

CALL OF THE HOUSE

Mr. GRIFFIN. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 97]

Addonizio	Flood	Kilburn
Alexander	Fogarty	Kitchen
Alford	Fulton	Libonati
Alger	Garland	Loser
Arends	Gavin	McIntire
Ashmore	Gilbert	McMillan
Barrett	Gonzales	Marshall
Boland	Granahan	Meador
Boykin	Grant	Miller, N.Y.
Brewster	Gray	Moorehead,
Buckley	Green, Pa.	Ohio.
Coad	Gubser	Moulder
Collier	Hall	O'Brien, N.Y.
Colmer	Halpern	O'Konski
Cook	Hansen	Osmer
Corman	Healey	Peterson
Curtis, Mass.	Hilbert	Philbin
Daddario	Hiestand	Plicher
Davis, Tenn.	Hoffman, Mich.	Rains
Dent	Holifield	Reece
Derwinski	Holland	Roberts, Ala.
Devine	Horan	Robison
Diggs	Jarman	Roosevelt
Donohue	Johansen	Roudebush
Dooley	Jones, Ala.	Rousselot
Durno	Judd	St. Germain
Evins	Karth	Santangelo
Fallon	Kearns	Saund
Fenton	Kee	Seely-Brown

Shelley	Spence	Vinson
Sibal	Thomas	Wels
Sisk	Utt	Whitten
Smith, Miss.	Vanik	Zelenko

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. Brooks, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 11665) and finding itself without a quorum, he had directed the roll to be called, when 336 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The gentleman from West Virginia [Mr. BAILEY] is recognized for 5 minutes.

Mr. BAILEY. Mr. Chairman, the problem facing the committee at this time pertains to section 11. I had, previous to the rollcall, offered an amendment changing the present section 11, which reads as follows:

Sec. 11. There is hereby authorized to be appropriated such sums as may be necessary to enable the Secretary, under such terms and conditions as he deems to be in the public interest, to provide special assistance to schools drawing attendance from areas in which poor economic conditions exist, for the purpose of helping such schools to meet the requirements established in this Act concerning the service of lunches to children unable to pay the full cost of such lunches.

It was my purpose in offering the amendment to section 11 to mollify the feelings of the minority members of the committee that possibly the Secretary of Agriculture was receiving too much authority.

The purpose of my amendment was to spell out guidelines for the Secretary and limit his authority.

During the rollcall I had an opportunity to talk to the minority members of the committee and they have an approach to section 11 which I as chairman of the committee and the members of subcommittee have no objection to. I assume that the gentleman from New Jersey [Mr. FRELINGHUYSEN] will offer the amendment.

Mr. FRELINGHUYSEN. Mr. Chairman, will the gentleman yield?

Mr. BAILEY. I shall be glad to yield.

Mr. FRELINGHUYSEN. I may say to the gentleman that I think this amendment he has offered is a step in the right direction. As the gentleman has indicated, I myself do not feel that the guidelines which are provided, which seem both desirable and necessary, are sufficiently spelled out in the amendment proposed by the gentleman from West Virginia.

It is therefore my purpose, and after the gentleman has concluded, to offer a substitute for the gentleman's amendment. My substitute, I might say, attempts to incorporate the guidelines indicated in the report on the bill. In other words, the Agriculture Department has already indicated how they plan to carry out this new program. It has been my feeling that we ought to incorporate those basic ideas into legislative language.

My amendment, therefore, will go somewhat further than the amendment offered by the gentleman from West Virginia, but it will simply attempt to carry out what is basically being proposed by the Department, should funds be made available for this supplemental program. I think the chairman of the subcommittee is in agreement with me regarding the advisability of putting certain limits on the amounts to be authorized, and the desirability of incorporating specific guidelines which will help the Secretary in setting up this program.

Mr. BAILEY. May I say to the gentleman from New Jersey the purpose of setting up the hot lunch school program in 1946 was to make school lunches available, particularly in the areas where they had difficulty in carrying on a program of that kind. The purpose of section 11 of this bill is to try to bring to the 15 or 18 what might be called needy States a little bit of assistance that will help them to see that the children do not go hungry at lunchtime. In a situation like that existing in my State, for instance, 31 out of every 100 meals served last year were free meals because the children's parents were not able to participate. They were fed anyway. The amendment to be offered by the gentleman from New Jersey would seek to set up guidelines in support of the new program.

Mr. FRELINGHUYSEN. Mr. Chairman, I offer a substitute amendment.

The Clerk read as follows:

Amendment offered by Mr. FRELINGHUYSEN as a substitute for the amendment offered by Mr. BAILEY: Page 7, beginning with line 2, strike out all down through line 10 and insert in lieu thereof the following:

"SEC. 11. (a) There is hereby authorized to be appropriated \$10,000,000 for the fiscal year ending June 30, 1963, and such sums as may be necessary for the fiscal year ending June 30, 1964, and each succeeding fiscal year, to provide additional funds to certain schools (selected on the basis of factors set forth in subsection (b)) to assist such schools to serve free and reduced price lunches. From the sums appropriated pursuant to this section for any fiscal year, the Secretary shall reserve such amount as may be necessary, but not in excess of 3 per centum thereof, for apportionment to Puerto Rico, the Virgin Islands, Guam, and American Samoa. Such amount shall be apportioned among Puerto Rico, the Virgin Islands, Guam, and American Samoa on the basis of (1) the relative numbers of free and reduced price lunches served during the preceding fiscal year by schools participating in the program under this Act in such places and (2) the relative assistance need rates of such places. The remaining amount of such sums appropriated for any fiscal year shall be apportioned among the States (other than Puerto Rico, the Virgin Islands, Guam, and American Samoa) on the same bases. For purposes of this section, American Samoa shall be deemed to have an assistance need rate equal to such rate for Guam, for periods ending before July 1, 1967.

"(b) Except as provided in subsection (c), funds apportioned to each State under subsection (a) shall be paid to selected schools in such State to assist such schools to serve free and reduced price lunches. Such schools and the amounts of such funds that each shall from time to time receive shall be determined by the State educational agency on the basis of the following factors: (1) The economic condition of the

area from which such schools draw attendance; (2) the needs of pupils in such schools for free or reduced price lunches; (3) the percentages of free and reduced priced lunches being served in such schools to their students; (4) the cost of lunches in such schools as compared to the average cost of school lunches throughout the State; and (5) the need of such schools for additional assistance as reflected by the financial position of the school lunch programs in such schools.

"(c) In the case of any State which is not permitted by law to disburse funds paid to it under this section to nonprofit private schools, the Secretary shall withhold from the funds apportioned to such State under this section an amount which bears the same ratio to such funds as the number of free and reduced price lunches served in the preceding fiscal year by all nonprofit private schools participating in the program under this Act in the State bears to the number of such free and reduced price lunches served during such year by all schools participating in the program under this Act in the State. The Secretary shall select nonprofit private schools in each such State and shall determine the amounts which shall be paid to each such school from time to time from amounts so withheld, on the basis of the same factors set forth in subsection (b)."

Mr. FRELINGHUYSEN. Mr. Chairman, as I indicated during the debate last week, I had intended to offer an amendment to strike section 11 entirely from the bill. I felt giving the Secretary of Agriculture such complete discretion with respect to handling funds for an entirely new program in the school lunch area would be very undesirable.

I am still of two minds as to whether it would be better to strike section 11 altogether, or to modify it as this substitute amendment proposes to do. I feel that a new program such as this may well be helpful in areas where real need exists. It is for that reason that I have decided, at least for the moment, until we see whether the substitute is successful or not, to offer an amendment which would simply tighten up the authority given the Department of Agriculture.

The gentleman from West Virginia has offered an amendment, which my substitute also provides, which would limit the funds for this new program in the first year to a maximum of \$10 million. However, the gentleman from West Virginia simply says that the Secretary shall establish terms and conditions under which a State educational agency shall distribute this new money. My amendment, as you have just heard, would spell out in some detail how this money would be made available. This is determined basically on two grounds: first, the relative number of free and reduced price lunches served during the preceding fiscal year and, second, the relative assistance needs rates of such places.

In addition, the substitute seeks to clarify who has the basic responsibility in determining which schools shall get funds. The gentleman from West Virginia simply proposes that the Secretary shall establish terms and conditions under which State agencies shall approve applications. That does not make

it clear whether the State has the basic responsibility, or whether it is the Secretary of Agriculture.

My amendment, on the other hand, says that the State educational agency shall make the determination about the funds. They shall consider certain factors, and I shall reiterate briefly what those factors are. They do not have to be exclusive, and other factors could be considered:

First would be the economic condition of the area from which such schools draw attendance.

Second, the needs of pupils in such schools for free or reduced price lunches.

Third, the percentages of free and reduced-price lunches being served in schools to their students.

Fourth, the cost of lunches in such schools as compared to the average cost of school lunches throughout the State.

Fifth, the need of such schools for additional assistance as reflected by the financial position of the school lunch programs in such schools.

This, admittedly, is still providing a certain amount of flexibility with respect to a new program. We are not sure how it will operate. We do not yet know how extensive is the need, above and beyond what we have already been providing. This at least would provide some legislative guidelines I think. These are essential to what may well be a valuable addition to our school lunch program.

For that reason, Mr. Chairman, I urge that we adopt the substitute. Then, I hope, we can proceed to debate the proposed revisions of the act.

Mr. POWELL. Mr. Chairman, will the gentleman yield?

Mr. FRELINGHUYSEN. I yield to the chairman of the committee.

Mr. POWELL. I thank the gentleman for his presentation. I would like to ask, under the provisions of your substitute, how would Guam and American Samoa be taken care of, because they are now in this legislation?

Mr. FRELINGHUYSEN. Well, I would assure the chairman that American Samoa, Puerto Rico, the Virgin Islands, and Guam are to receive not more than 3 percent of the total allotment. That money is to be distributed as it is in the States, on the basis of the relative number of free and reduced price lunches and also the assistance need rates. In the case of American Samoa, at the end of subsection (a), American Samoa shall be deemed to have an assistance need rate equal to such rate for Guam, for the period ending before July 1, 1967. In other words, there will be specific provision made to provide funds for those named territories.

Mr. POWELL. Mr. Chairman, I ask unanimous consent that the gentleman from New Jersey [Mr. FRELINGHUYSEN] may continue for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. POWELL. Section 11(a), subsection 1, provides for the relative number of free and reduced-price lunches served during the preceeding fiscal year. That

is what I am concerned about, because for the preceding fiscal year Guam and American Samoa were not included in the program.

Mr. FRELINGHUYSEN. I am not sure that I understand the purport of the gentleman's question, or was it an observation?

Mr. POWELL. If the gentleman will yield further, I shall get to the question.

On the basis of the relative numbers of free and reduced-price lunches served during the past fiscal year by these schools participating in the program is the language, but there were no schools participating in this program in Guam and American Samoa.

Mr. FRELINGHUYSEN. We do still have the other alternative, the relative need rates of such places. I might say to the gentleman from New York [Mr. POWELL] that what the proposed thrust of the other revisions of the act involves, is to reduce the amounts, as will be the case in the District of Columbia where there has not been participation. Schools will get less in areas where there has not been provision either for reduced-price lunches or free lunches. It has been felt that we may thus encourage a greater degree of participation in the serving of such lunches, if we do provide less funds.

Mr. POWELL. We will have a further amendment, a substitute to be offered by the gentleman from Michigan [Mr. O'HARA] at the proper time, and I hope for the gentleman's support. I thank the gentleman.

Mr. HALEY. Mr. Chairman, will the gentleman yield?

Mr. FRELINGHUYSEN. I shall be glad to yield to the gentleman from Florida.

Mr. HALEY. What the gentleman is attempting to do here is to establish guidelines which the authors of this legislation say that they want to establish anyway; is that right?

Mr. FRELINGHUYSEN. The gentleman is correct. The Department of Agriculture has indicated—and the proposed program is outlined in the report on the bill at pages 6 through 8—how they would handle it. It is my feeling that we should set some of those guidelines.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. HALEY. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. FRELINGHUYSEN. It is my hope that this language will provide specific outlines to the Department with respect to this new program.

Mr. HALEY. If the gentleman will yield further, the Department of Agriculture has already indicated that it is in favor of this?

Mr. FRELINGHUYSEN. I do not believe that any of the suggested guidelines differ in any way from what the Department says it was planning to do. It says it is not planning to disturb the existing administrative handling of these programs, and that the respon-

sibility will lie still with the States. However, unless we spell this out in the language of the amendment, they might feel free to change their program substantially, and there would be no restrictions placed upon them. I think that would be most undesirable.

Mr. HALEY. I thank the gentleman for his explanation.

The CHAIRMAN. The time of the gentleman from New Jersey has again expired.

Mr. GRIFFIN. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for an additional 3 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. GRIFFIN. Mr. Chairman, will the gentleman yield?

Mr. FRELINGHUYSEN. I shall be glad to yield to the gentleman from Michigan.

Mr. GRIFFIN. With reference to the question asked by the distinguished chairman of the full committee, I do not purport to be an expert on this, but I suggest we look at the hearings, on page 15 of the testimony by Mr. Davis, an Under Secretary who administers this program. He says that all of the States have the national school lunch program, including Puerto Rico, the Virgin Islands and Guam. So Puerto Rico, the Virgin Islands and Guam, it would appear to me, have a record at which to look in apportioning the funds provided for in the gentleman's amendment. However, we are adding for the first time American Samoa, as I understand it, and there is a provision to take care of American Samoa. That would seem to be the explanation to the question posed by the chairman of the full committee. But, perhaps, there is more to it.

Mr. FRELINGHUYSEN. Again I might say to the gentleman that I am no expert in this field, either. The report on the bill, unfortunately, does not clarify just how the special reserve for the territories would be handled. In any event I would assume that we are not prejudicing the case for the territories through the use of the language proposed in the substitute.

Mr. GRIFFIN. If the gentleman will yield further, the point I want to make is that Puerto Rico, the Virgin Islands and Guam have been participating in the program and have a record as far as the distribution of free lunches and reduced-price lunches is concerned.

Mr. FRELINGHUYSEN. I thank the gentleman.

Mr. O'HARA of Michigan. Mr. Chairman, I would like to ask the gentleman a question, if the gentleman would yield.

Mr. FRELINGHUYSEN. I would be glad to yield to the gentleman from Michigan.

Mr. O'HARA of Michigan. The gentleman said that the question of the chairman of the full committee, the gentleman from New York [Mr. POWELL], was directed to the problem raised by the two criteria which they set forth to be used in determining apportionment among the Territories and among the States.

The two criteria are the relative numbers of free and reduced-price lunches served during the past fiscal year, and the relative assistance rates of such places.

So, if no free lunches were served here because there was no school lunch program or if many lesser free lunches were served than needed to be served because of financial difficulties of the State or territory, they would not be entitled to share in the apportionment according to the needs; is not that correct?

Mr. FRELINGHUYSEN. No, I think the gentleman is incorrect. The second part of the provision, the relative assistance needs rates, would qualify such areas. Any territory that did not have any on-going school lunch program, in my opinion, would be provided automatically some funds, to be made available for use there.

Mr. O'HARA of Michigan. Mr. Chairman, if the gentleman will yield further, when the gentleman uses the term "relative assistance needs rates," is he not talking about the equalization formula found in the earlier part of the bill and not at all about the situation that I am asking about which has to do with areas that have not served free lunches heretofore?

Mr. FRELINGHUYSEN. The definition of assistance needs rates, I might add, is on page 5 of the bill, beginning on line 19. It would seem to me that this language would make available funds to a territory which does not have an on-going school lunch program, even though they did not have any program. As I have said, the whole thrust of the proposed changes is to encourage participation of States and territories in school lunch programs. So I do not think we are going to prejudice the case of any territory.

Mr. O'HARA of Michigan. Mr. Chairman, I offer an amendment to the substitute.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Michigan [Mr. O'HARA].

Mr. FRELINGHUYSEN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. FRELINGHUYSEN. I should like to ask the Chair whether it is in order to have an amendment to a substitute for an amendment.

The CHAIRMAN. The Chair is of the opinion that it is.

Mr. FRELINGHUYSEN. I thank the Chair.

The Clerk read as follows:

Amendment offered by Mr. O'HARA of Michigan to the substitute amendment offered by Mr. FRELINGHUYSEN: Amend section 11(b) after "the relative numbers of free and reduced price lunches served during the preceding fiscal year by schools participating in the program under this Act in such places."; and insert

"(2) the need of students in such places for the free or reduced price lunches."

Mr. FRELINGHUYSEN. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. FRELINGHUYSEN. Mr. Chairman, as I understand the gentleman's

amendment, he proposed to amend subsection (b) of subsection (a). Subsection (b) is on page 2 of my amendment, and I have the feeling that the proposed amendment may have been read incorrectly. This is an amendment to section 11(a) of my substitute.

Mr. O'HARA of Michigan. Mr. Chairman, I ask unanimous consent that my amendment be considered as an amendment to subsection (a) of section 11 of the amendment offered by the gentleman from New Jersey.

The CHAIRMAN. Without objection, the amendment will be so modified.

There was no objection.

The CHAIRMAN. The Clerk will report the modified amendment.

The Clerk read as follows:

Amendment offered by Mr. O'HARA of Michigan to the substitute amendment offered by Mr. FRELINGHUYSEN: Amend section 11, paragraph (a) after: "the relative numbers of free and reduced price lunches served during the preceding fiscal year by schools participating in the program under this Act in such places."; insert:

"(2) the need of students in such places for free or reduced price lunches."

And renumber accordingly.

Mr. O'HARA of Michigan. Mr. Chairman, the amendment offered by the gentleman from New Jersey would base the apportionment of funds under the special assistance provision among the States and territories upon two factors: one, the relative numbers of free and reduced-price lunches served during the preceding fiscal year by schools participating in the program in such places and, two, the relative assistance need rate of such places.

The relative assistance need rate referred to by the gentleman is defined on page 5 of the bill. It refers to the equalization formula, familiar to all of us, which is based upon the per capita income of the State.

The amendment I propose would insert a third criterion to be considered with the rest. You would then consider, one, the number of free or reduced-price lunches being served; two, the need for such lunches, whether or not an appropriate number of them were served during the past year; and, three, the assistance need rate.

My reason for offering this amendment is that we found during the hearings that in a number of States and places having the greatest need, a large number of free or reduced-price lunches were not being served because the local community just was unable to finance the number of reduced-price or free lunches that should have been served. We perpetuate the difficulties of such communities unless we insert this third criterion, which looks at not only the number of free or reduced-price lunches being served but also at the relative need for meals of this type in the State.

For my part, I am willing to accept the amendment offered by the gentleman from New Jersey with this modification. However, without this modification, I believe his amendment defeats one of the purposes of the special assistance fund as found in the bill.

Mr. RIVERS of Alaska. Mr. Chairman, will the gentleman yield?

Mr. O'HARA of Michigan. I yield.

Mr. RIVERS of Alaska. I notice the criterion of the average annual income in each State. The people of Alaska, for instance, have a comparatively high income but the cost of living is so high in my State that I think Alaska would lose to a certain extent under the formula set forth in this bill and go below what it has been getting. Is it the gentleman's interpretation that the special assistance fund provided for on page 7 of the bill would allow for adjustments with regard to Alaska and in similar situations elsewhere?

Mr. O'HARA of Michigan. In response to the question of the gentleman from Alaska I wish to call the attention of the committee to pages 7 and 8 of the committee report, which deals with the situation in Alaska and expresses the belief and intention of the committee that the special assistance fund be used to assist in solving the more serious problems in Alaska. This portion of the report also indicates the intention of the committee to reevaluate Alaska's special needs in light of experience gained under the new formula.

Mr. RIVERS of Alaska. I thank the gentleman.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Michigan.

Mr. Chairman, the gentleman has proposed a third test for the distribution of any funds that may be made available for the new program, which would necessitate somebody, presumably the Secretary of Agriculture, considering the need of students in various places for free or reduced-price lunches, in addition to the actual number of free or low-priced lunches and in addition to the assistance need rate.

I may say that if we have to require the Secretary before he distributes any funds to determine where the needs are we are back to where we began; that is, the entire job of deciding how this money is going to be distributed—and this is the crux of the question—is on the shoulders of the Secretary.

As an example of what I mean, the State of Michigan might have no need in comparison to the demands of many other States with respect to their students for free or low-priced lunches.

Even though they could qualify on the basis of the number of free meals served, they would be disqualified under the basis of the criteria now proposed. The place for determining how the need factor is to be considered is after the apportionment of funds has been made to the various States, and I have indicated on page 2 of my amendment that the State educational agency should have the responsibility of taking a look at the actual need in addition to the other factors which I pointed out. Even with the incorporation of a third factor in this part of the program, after determining how the funds should be distributed, we would end up with the very tangle that we are seeking to resolve by this whole substitute.

Mr. O'HARA of Michigan. Mr. Chairman, will the gentleman yield?

Mr. FRELINGHUYSEN. I am very glad to yield to the gentleman.

Mr. O'HARA of Michigan. I wish to indicate to the House, as the gentleman has intimated in his statement, that the language I attempt to insert in paragraph (a) is taken from the gentleman's paragraph (b). It is a criteria which the gentleman from New Jersey proposes to be used by the States in determining which of their school districts shall get how much of these special funds.

Mr. FRELINGHUYSEN. The gentleman does not require that the State educational agency should take that into consideration as one of the several factors in determining which districts are most in need of funds. But, to have the determination before the money is distributed at the Federal level, to inject the Federal Government into a determination as to whether students need or do not need this money would be to destroy what should basically be the States' responsibility. That is why I put it in the bill and I am very glad the gentleman pointed it out because it clarifies the very criticism I am making of his effort to put it in a part of the proposal which would distribute the funds from the Federal level to the State.

Mr. BAILEY. Mr. Chairman, will the gentleman yield?

Mr. FRELINGHUYSEN. I yield to the gentleman from West Virginia.

Mr. BAILEY. This proposal would be particularly helpful in reference to a rather unusual situation existing in Alaska.

Mr. FRELINGHUYSEN. To which proposal does the gentleman refer?

Mr. BAILEY. That is where the price of food is so high and the cost of meals is so exceptionally high. Would this not give some additional leeway in handling this problem?

Mr. FRELINGHUYSEN. I am not sure. We discussed the problem that the District of Columbia has with reference to the proposed revisions in our school lunch program and also the report indicates that Alaska may well have difficulties. Of course, for the money to be made available, the new program itself may well benefit Alaska if they can state their case and come in with a justification as to why they need some assistance.

This has nothing to do, I might say, with the proposal of the gentleman from Michigan to add a third test for the distribution of funds from the Federal level to the State level. I hope the gentleman from West Virginia agrees with me that this would be very unwise language to incorporate in the allotment formula. Would the gentleman from West Virginia care to comment as to the wisdom of adopting the suggestion made by the gentleman from Michigan?

Mr. BAILEY. I think the gentleman from New Jersey will agree with me that the purpose of this legislation and the purpose of revising the hot lunch program is to see to it that meals are made available wherever there is a need for them.

Mr. FRELINGHUYSEN. I think that is a very broad statement. We have no idea whether \$10 million is going to

achieve that laudable end, but certainly we are seeking to make our money go as far as possible.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. O'HARA of Michigan. Mr. Chairman, I ask unanimous consent that the gentleman from New Jersey may proceed for 3 additional minutes.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. O'HARA of Michigan. Mr. Chairman, if the gentleman from West Virginia has completed his statement, will the gentleman from New Jersey yield to me?

Mr. FRELINGHUYSEN. I am glad to yield to the gentleman from Michigan.

Mr. O'HARA of Michigan. I would gather from the gentleman's response to my earlier question, that he feels the criteria proposed by me which is taken from his subsection (b) is a perfectly valid criteria. It is one where you require the States to examine in determining which of their school districts shall receive funds. You think as a criteria that is just dandy, but only when the decision or the criteria is applied by a State official rather than a Federal official apparently.

Mr. FRELINGHUYSEN. I will say to the gentleman, if we should allow the Secretary of Agriculture to make the basic determination as to where the need is, we would be back to the wholly inadequate language that is presently, or which was originally proposed in section 11. I would think it would be far better to strike the whole program and send it back to our committee and thrash this out in committee than to come up with no guidelines. I would not think that we are providing guidelines, if we make it necessary for him to consider the needs of students in Michigan before he makes any allotment to Michigan because the basic problem is that there are presumably needs everywhere. Participation, and assistance need should be the tests on which to distribute funds to the 50 States and 2 territories, in my opinion, and I remain in firm opposition to the gentleman from Michigan, much as I respect his judgment in most cases.

Mr. O'HARA of Michigan. I thank the gentleman for his kind words, but I just wanted to put "need" in both cases. If he were going to put in "need" as the basis of determination for the District I think we should make the same determination when we apportion funds among the States. That was the purpose of my amendment.

Mr. RIVERS of Alaska. Mr. Chairman, will the gentleman yield?

Mr. FRELINGHUYSEN. I yield.

Mr. RIVERS of Alaska. The gentleman from New Jersey pointed out that the valuation by State authorities would determine to some extent what assistance the local schools would get. The gentleman did not, however, remark about my former inquiry addressed to the gentleman from Michigan in regard to the special assistance fund. May I have the gentleman's observation on that?

Mr. FRELINGHUYSEN. I would suppose this new program authorized by section 11 would be of some help to Alaska which presents a peculiar problem. Consideration was given as to whether a formula should be developed which would take into consideration the high cost of providing food in the gentleman's area, but it was felt that that would be difficult to incorporate into a basic formula, even though it is a very real factor in Alaska. It is for that reason I decided against eliminating section 11 altogether, because I do feel that the proposed change may work hardships, and I should be most reluctant to have what we consider to be changes in the right direction in effect create new inequities.

So I would say to the gentleman from Alaska that I would think my amendment would be helpful to his State.

Mr. RIVERS of Alaska. I thank the gentleman.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

(Upon request of Mr. GRIFFIN and by unanimous consent Mr. FRELINGHUYSEN was allowed to proceed for 3 additional minutes.)

Mr. GRIFFIN. Mr. Chairman, will the gentleman yield?

Mr. FRELINGHUYSEN. I shall be glad to yield.

Mr. GRIFFIN. I am somewhat confused in considering the amendment offered by the gentleman from Michigan, Mr. O'HARA. I think it might be helpful to fix attention upon the proposal by the Secretary of Agriculture to apportion the funds among the States, which they had recommended in section 11, and on page 6 of the report. In paragraph B at the bottom of that page they say:

It is proposed, therefore, that an apportionment formula for the division of such funds be based upon the number of free or reduced-price meals being served to needy children, adjusted for the ability of a State to finance such meals as measured by the relationship of the national average per capita income to the per capita income of the various States. Because of the atypical situation in the territories (Puerto Rico, Virgin Islands, Guam, and American Samoa), a special reserve would be established for them.

The gentleman has used that phrase in his amendment, "relative need for special assistance."

Mr. FRELINGHUYSEN. It seems to me the gentleman has tried in his amendment to use the same criteria that the Department of Agriculture has actually said it would use. If we put this language in the bill we are essentially agreeing with them. I agree that the gentleman has stated it correctly. My thought is to incorporate what the Department of Agriculture said it would finally use as its test for the distribution of this new money.

Mr. GRIFFIN. Then after apportioning the money among the States on the basis of need, according to the gentleman's amendment the States would divide that assistance on the basis of the need of the students. That is one criterion.

Mr. FRELINGHUYSEN. The gentleman is correct, and I thank him for his contribution.

Mr. O'HARA of Michigan. I would like to add apropos the comments of my colleague from Michigan [Mr. GRIFFIN] that if he had read on to the bottom of the next paragraph (C), he would have found that 25 percent of the funds would be held in reserve by the Department to be equitably distributed among those States demonstrating a need for funds in excess of their initial and reserve apportionments. That is not tied in to the distribution formula for the other 75 percent spoken of by the gentleman from Michigan.

Mr. FRELINGHUYSEN. I might say that is one of the objectionable features of the proposal of the Department of Agriculture, in my opinion, because in effect it makes it a slush fund. It says that 50 percent shall be allocated, 25 percent held in reserve and given to areas which are not defined, and an additional 25 percent will also be held in reserve. I think that is a very undesirable way to handle it from an administrative point of view, and certainly from a legislative point of view it would be most undesirable.

Mr. POWELL. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment and all amendments thereto close in 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. POWELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we are in favor of the amendment offered by the gentleman from Michigan to the Frelinghuysen substitute, and I would therefore request that we support the amendment offered by the gentleman from Michigan [Mr. O'HARA] as a substitute, pass it, and then agree to the Frelinghuysen substitute.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. O'HARA] to the substitute offered by the gentleman from New Jersey [Mr. FRELINGHUYSEN].

The question was taken; and on a division (demanded by Mr. FRELINGHUYSEN) there were—34 ayes, 31 noes.

So the amendment to the substitute was agreed to.

The CHAIRMAN. The question is on the substitute amendment, as amended.

The substitute amendment, as amended, was agreed to.

The CHAIRMAN. The question now recurs on the amendment offered by the gentleman from West Virginia, Mr. BAILEY, as amended by the substitute.

The amendment, as amended, was agreed to.

Mr. FRELINGHUYSEN. Mr. Chairman, I offer an amendment to strike section 11 from the bill.

The Clerk read as follows:

Amendment offered by Mr. FRELINGHUYSEN: Beginning with page 6, line 20, strike all down and through line 10 on page 7.

Mr. FRELINGHUYSEN. Mr. Chairman, I regret the necessity for offering this amendment to strike all of this new

section 11 as just amended, but it seems to me what we have done is simply to restate what the original language appearing on page 7 of the bill would have provided. This will give the Secretary of Agriculture, whether he wants it or not, the basic responsibility for making an apportionment of funds under this new program on the basis of the needs of the students for free or reduced-price lunches. That is a hopeless task for any Secretary to do. As a practical matter, the report indicates that they plan to share that responsibility with the States, but now we have deliberately placed it on the Secretary. We have excluded any responsibility on the part of the States, and it seems to me we are launching on a program which will not only be new but which would be a thoroughly undesirable effort. We have within our grasp a reasonable solution to this problem to distribute whatever funds may be made available on the basis of the actual participation by the various States and also the basic needs of the States. And, I underline "the basic needs of the States," not of the school children in the States. If we confuse the issue by saying that the needs of the children themselves must be determined before we make any distribution to the States, we are back with what I consider a most undesirable program.

Mr. Chairman, I regret the necessity for belaboring this problem as long as we have, because it is not a question of providing more assistance to the areas of greatest need. We are in general agreement that that is a desirable goal. We hope that the changes in the formula of distribution of the existing programs will be helpful, and I myself feel that a new program such as section 11 also could be helpful. But, it cannot be helpful, in my opinion, if we insist on giving, without any indication as to how he is to make this determination, the responsibility to the Secretary of Agriculture. It is for that reason that I think we should reject entirely section 11. We should see how that operates and not how the provisions of the program will affect such areas as Alaska and the District of Columbia. And, also we can make a determination as to the extent of in-met needs, in which the Federal Government might help. We will not be in any sense prejudicing the ongoing program. We will be merely taking a good look on what we are establishing as a Federal responsibility in this field.

As I say, I offer this proposal to strike section 11 entirely with some reluctance but only because we have, with all good intentions, deliberately avoided what I was seeking by my substitute.

Mr. POWELL. Mr. Chairman, I ask unanimous consent that all debate on this amendment—

Mr. GROSS. Mr. Chairman, I will object to that before the request is even made.

Mr. POWELL. Mr. Chairman, I move that all debate on this section close at 2 o'clock.

Mr. GROSS. Mr. Chairman, I offer a preferential motion.

The CHAIRMAN. The question comes first on the motion offered by the gentleman from New York.

Mr. GROSS. Mr. Chairman, I offer a preferential motion.

The CHAIRMAN. The gentleman will have that opportunity after this motion is disposed of.

The question is on the motion offered by the gentleman from New York.

The motion was agreed to.

Mr. GROSS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I am surprised that the chairman of the House Committee on Education and Labor at 16 minutes of 2 in the afternoon would circumscribe debate on this bill or any other bill. This is symptomatic of what is going on in the House of Representatives these days. Too few Members seem to want to do any work at all on the House floor. We are getting out of the habit of giving decent consideration to legislation. Are we to expect this sort of thing from here on to the end of this session? Why should there be a limitation of debate at 16 minutes of 2 in the afternoon? I will yield to the gentleman from New York [Mr. POWELL], the chairman of the committee, to tell me why he imposes this kind of a gag rule on the House of Representatives, if he cares to do it. Apparently he does not.

Mr. Chairman, I rise in opposition to section 11 of the bill because of the delegation of power and blank check it gives to the Secretary of Agriculture. I am surprised that my good friend, the gentleman from West Virginia [Mr. BAILEY], is trying to sustain section 11 of the bill, in view of his attitude against delegation of power with respect to the Trade Agreements Act.

I was in hopes the gentleman would lend his support to striking a sweeping delegation of power out of this bill, in view of what I am sure he will be saying on the floor of the House about 10 days or 2 weeks hence when the free trade bill comes before the House of Representatives.

Mr. Chairman, these delegations of power to appointed officials of Government to establish policy and to spend money as they see fit are coming with all too much frequency.

Mr. Chairman, this section does not belong in this bill or in any other bill passed by the Congress of the United States. As one who has supported school lunch programs in the past I urge that it be stricken out or amended as the gentleman from New Jersey proposes.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan [Mr. O'HARA] for 5 minutes.

Mr. O'HARA of Michigan. Mr. Chairman, without questioning in any way the sincerity or good intentions of the gentleman from New Jersey [Mr. FRELINGHUYSEN] I would like to observe that the actions of the gentleman from New Jersey on this particular part of the school lunch amendments demonstrate the dilemma in which the gentleman finds himself. In his amendment to cure what he seems to believe are the defects

of section 11, he inserts the very same criteria to which he objects. He says to the States, "You shall consider not only the number of free lunches being served by the school districts in determining to which districts you shall distribute these special assistance funds. You shall also consider the relative need of students in these districts for free or reduced price lunches." In other words, how many schoolchildren in these districts do not have the financial wherewithal to pay the standard, going rates for their school lunches and how many such children attend schools that do not have the financial ability to provide reduced cost meals.

Mr. Chairman, by accepting my amendment to the Frelinghuysen substitute we apply the very same criteria to the Federal Government when it apportions the funds among the various States. We say, "Look at not only the number of free lunches being served, but at the number of needy students, whether or not they were in the last fiscal year receiving free lunches, in determining your apportionment among the States."

Mr. Chairman, these decisions will not be made by the Secretary of Agriculture on an ouija board. He will propose regulations and criteria which will be published in the Federal Register. I am sure there will be hearings on the proposed regulations. They will be worked out in consultation with the school lunch officials in each and every State.

This is not going to be a grab-bag. We do not believe, as the gentleman from New Jersey apparently does, that this is an unwarranted delegation of power. It is simply a recognition of what the gentleman from New Jersey has, himself, recognized by his failure to frame his own amendment to take care of this problem. Indeed, appropriate language is not easy to frame legislatively.

Mr. FRELINGHUYSEN. Mr. Chairman, will the gentleman yield?

Mr. O'HARA of Michigan. I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. The gentleman has just underlined the basic dilemma which we are facing, not only the gentleman from New Jersey, but all of us, because he is pointing out that there is a problem with reference to needy schools. My question, and the reason I am very strongly opposed to the amendment which has been accepted, is that we as a practical matter are imposing an intolerable obligation at the Federal level to make a determination with regard to the number of needy students in each of the 50 States before distributing any funds.

The Department of Agriculture itself says that the program they had planned to set up under the discretionary authority in section 11, would permit State educational agencies to explore techniques to identify schools in need of such assistance and the extent of the need for such assistance among the various States and Territories.

This would seem to indicate more clearly than the gentleman is willing to do that the States should have the basic responsibility.

Subsection (b) of my proposed amendment would place the authority where it should be placed, at the State level. It should not be necessary for the Federal Government, before it apportions any fund, to make a determination as to how many needy children there are in the various States and how needy those children are. From a practical point of view the census makes no such kind of tabulation. There is no way in which to resolve the question of how you are going to weigh that factor in relation to the others. For instance, if need was not found in the State of Michigan, the gentleman's State would not get the amount of money to which it otherwise would be entitled. You are bypassing a basic State responsibility and you are creating an administrative impossibility. It is for that reason that I pleaded, unfortunately without success, for the enactment of my amendment.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. POWELL].

(Mr. POWELL asked and was given permission to revise and extend his remarks.)

Mr. POWELL. Mr. Chairman, I rise to make a few remarks for the benefit of those who are grossly misinformed or grossly ignorant concerning the matter before us.

This legislation was introduced early in 1961. Hearings were held under the subcommittee chairmanship of our distinguished and beloved friend from West Virginia [Mr. BAILEY], in August of 1961.

Executive sessions were held in January and February of 1962. The bill was reported out of the subcommittee unanimously. The gentleman from New Jersey happened not to be present at that particular meeting, but the other members of his party who were present voted in favor of it. Then the bill was presented to the full committee and it was unanimously reported by the full committee; not a single member of the minority, including the gentleman from New Jersey, who was then present, voted against it.

On May 9, a clean bill was introduced. On May 14 it was referred to our committee and again, in executive session, reported out unanimously, and again with the gentleman from New Jersey voting in favor of it. Then it went before the Committee on Rules where all the members of the committee, Republican and Democrat, who appeared before the committee and spoke in favor of it. It was again unanimous.

Now we have just accepted the substitute offered by the gentleman from New Jersey, except for the amendment to that substitute by the gentleman from Michigan.

Even the committee report was unanimous. There were no minority views.

May I say that if you adopt this new amendment to strike this section the net effect will be that you will kill aid, especially to needy children, in those school districts where the school districts do not have the funds to provide free lunches at all.

If you want to have that on your conscience, then go ahead.

I call for the defeat of this Republican effort to kill free school lunches to those children who need them most.

Mr. O'HARA of Michigan. Mr. Chairman, will the gentleman yield?

Mr. POWELL. I yield.

Mr. O'HARA of Michigan. The gentleman from New York, I think, has put the matter very well. I should like to call attention to another fact. The gentleman from New Jersey has expressed doubt that the Secretary could determine how many needy students there were in each State. Yet he requires the States to determine the number of needy students in each of their school districts. The Department of Agriculture can add. If they add together the determinations of the States of the number of needy students in each of their districts, which they are going to have to make under subsection (b) of the gentleman's proposal, they will have arrived at the number of students in each State needing free or reduced-price lunches and can make their apportionment accordingly.

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the chairman of the full committee [Mr. POWELL], has just stated that we have been grossly misinformed about the contents of this bill. I am not sure whether he has been discussing anything said on the floor or in previous discussions but, as far as I know, there has been considerable enlightenment with respect to the value of certain provisions of this bill and I think there has been, with good reason, attention called to the value of this section 11.

The fact that our full committee reported it out in its present form does not indicate that we have recommended good legislation, because what the committee has already done with this bill has suggested we did not take a good look at certain provisions of it.

I should like to reiterate in closing that we do all have a responsibility for establishing sensible programs. The gentleman from New York is misinforming us, I am sure unintentionally, when he says that if we should strike section 11 from this bill the needy children will not receive aid under this program. We have had a school lunch program for years and presumably those who are being aided are those who need it most. So the fact is, whether or not we are incorporating a new provision to provide additional assistance, we are certainly under a continuation of this program providing aid, which has proven itself to be of value and which can continue to do so.

I see no reason why we should be stampeded into hasty action because of this feeling that if we do not we have acted against the schoolchildren of this Nation. What we are trying to do is determine what is a fair division of responsibility between the Federal Government and our State governments. In my opinion, the State agency should have the initial responsibility of making the determination as to where the additional assistance should go. It should

not be the responsibility of the Department of Agriculture. The present Secretary has plenty of problems of his own without adding still another one in this particular form. I would hope that we will in some way either be able to consider what we have done with this section 11, or that my amendment to strike the whole thing entirely from the bill will be accepted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey [Mr. FRELINGHUYSEN]. The question was taken; and on a division (demanded by Mr. GRIFFIN), there were—ayes 43, noes 41.

Mr. BAILEY. Mr. Chairman, I ask for tellers.

Tellers were ordered, and the Chairman appointed Mr. BAILEY and Mr. FRELINGHUYSEN as tellers.

The Committee again divided, and the tellers reported that there were—ayes 62, noes 77.

So the amendment was rejected.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the Chair, Mr. BROOKS of Texas, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 11665) to revise the formula for apportioning cash assistance funds among the States under the National School Lunch Act, and for other purposes, pursuant to House Resolution 657, he reported the bill back to the House with an amendment adopted in Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the adoption of the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

Mr. ASHBROOK. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. ASHBROOK. I am, Mr. Speaker.

The SPEAKER. The gentleman qualifies. The Clerk will report the motion.

The Clerk read as follows:

Mr. ASHBROOK moves to recommit the bill, H.R. 11665, to the Committee on Education and Labor with instructions to report the same back to the House forthwith with the following amendment:

Page 7, beginning with line 2, strike out all down through line 10 and insert in lieu thereof the following:

"Sec. 11. (a) There is hereby authorized to be appropriated \$10,000,000 for the fiscal year ending June 30, 1963, and such sums as may be necessary for the fiscal year ending June 30, 1964, and each succeeding fiscal year, to provide additional funds to certain schools (selected on the basis of factors set forth in subsection (b)) to assist such schools to serve free and reduced price lunches. From the sums appropriated pursuant to this section for any fiscal year, the Secretary shall reserve such amount as may be necessary, but not in excess of 3 per centum thereof, for apportionment to Puerto

Rico, the Virgin Islands, Guam, and American Samoa. Such amount shall be apportioned among Puerto Rico, the Virgin Islands, Guam, and American Samoa on the basis of (1) the relative numbers of free and reduced price lunches served during the preceding fiscal year by schools participating in the program under this Act in such places and (2) the relative assistance need rates of such places. The remaining amount of such sums appropriated for any fiscal year shall be apportioned among the States (other than Puerto Rico, the Virgin Islands, Guam, and American Samoa) on the same bases. For purposes of this section, American Samoa shall be deemed to have an assistance need rate equal to such rate for Guam, for periods ending before July 1, 1967.

"(b) Except as provided in subsection (c), funds apportioned to each State under subsection (a) shall be paid to selected schools in such State to assist such schools to serve free and reduced price lunches. Such schools and the amounts of such funds that each shall from time to time receive shall be determined by the State educational agency on the basis of the following factors: (1) The economic condition of the area from which such schools draw attendance; (2) the needs of pupils in such schools for free or reduced price lunches; (3) the percentages of free and reduced priced lunches being served in such schools to their students; (4) the cost of lunches in such schools as compared to the average cost of school lunches throughout the State; and (5) the need of such schools for additional assistance as reflected by the financial position of the school lunch programs in such schools.

"(c) In the case of any State which is not permitted by law to disburse funds paid to it under this section to nonprofit private schools, the Secretary shall withhold from the funds apportioned to such State under this section an amount which bears the same ratio to such funds as the number of such free and reduced price lunches served in the preceding fiscal year by all nonprofit private schools participating in the program under this Act in the State bears to the number of such free and reduced price lunches served during such year by all schools participating in the program under this Act in the State. The Secretary shall select nonprofit private schools in each such State and shall determine the amounts which shall be paid to each such school from time to time from amounts so withheld, on the basis of the same factors set forth in subsection (b)."

Mr. ASHBROOK (interrupting the reading). Mr. Speaker, I ask unanimous consent that further reading of the motion to recommit be dispensed with. It is the Frelinghuysen amendment as discussed in the committee.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

Mr. ASHBROOK. Mr. Speaker, on this I request the yeas and nays.

The SPEAKER. Under the previous order of the House, further consideration of this bill will be postponed until tomorrow.

mous consent that the permanent RECORD and Journal may be corrected accordingly.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

CORRECTION OF RECORD

Mr. SCHADEBERG. Mr. Speaker, I ask unanimous consent that my remarks and the letter from a publisher appearing therein on page 8430 of the CONGRESSIONAL RECORD for May 23 be expunged from the permanent RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

AMENDMENTS TO NATIONAL SCHOOL LUNCH ACT

(Mr. LANGEN asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. LANGEN. Mr. Speaker, it is a pleasure to rise in support of H.R. 11665, an amending measure that goes a long way toward correcting a situation which has kept the national school lunch program from being the complete success that was intended. The Committee on Education and Labor is to be commended for recognizing that the school lunch program is an investment in the health of our Nation.

Certainly the school lunch program now is considered an integral part of our overall educational system and serves not only to contribute to the mental and physical well-being of our schoolchildren, but also has a tremendous impact on our agricultural and overall economy.

It has long been my feeling, which has been made known to my colleagues in the past, that a school lunch dollar is better utilized if directed toward the student who participates in the program rather than toward a school population in general. That is why it is so heartening at this moment to see a measure before us that will distribute these important funds on a more equitable basis and bring about efficiency in the operation of the program.

In essence, this bill changes but one of the two factors in the formula used to allocate school lunch dollars. The other factor, which takes into consideration the economic condition of the State, will continue to do just that. The change we are asked to consider today is whether the first factor should reflect the number of students actually participating in the program or continue the present inequitable practice of ignoring the participating students in favor of a broad base of total students enrolled in our schools.

The great State of Minnesota is a good example of what has happened in the distribution of these funds under the present system. When the President signed the National School Lunch Act in 1946, the maximum reimbursement was set at 9 cents per complete balanced plate lunch. Because of increased par-

CORRECTION OF ROLL CALL

Mr. CHELF. Mr. Speaker, on roll call No. 88 on May 16, I am inadvertently recorded as being absent. I was present and answered to my name. I ask unani-

participation throughout the country, the national average reimbursement per lunch is just over 4 cents.

In Minnesota, where 51 out of every 100 youngsters enrolled in our schools partake of the lunch at school, the reimbursement is less than 3 cents per lunch. You can readily see what this means, particularly in the face of higher labor, food, equipment, and other operating costs.

Since the real objective of this program is to serve a nutritionally sound lunch at a price within the ability of the average wage earner to pay, it is becoming increasingly difficult to break even in such areas as Minnesota. The formula proposed in this amending legislation today will go a long way toward a more equitable distribution of funds to the States where the students actually participate in the program.

In so many of our aid programs, foreign and domestic, we in the Congress voice our concern over appropriated moneys that are either wasted or are not used properly by the recipients. Today we have a real opportunity to correct the inequities of one domestic program. Perhaps the world will be watching, and will take note.

COMMITTEE ON WAYS AND MEANS

Mr. MILLS. Mr. Speaker, I ask unanimous consent that the Committee on Ways and Means may have until midnight Tuesday, June 12, to file a report on the bill H.R. 11970, the Trade Extension Act of 1962, including minority views.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

THE OLD AND THE SICK

(Mr. LANE asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. LANE. Mr. Speaker, "A program of Government-sponsored health insurance, for the aged or any other part of society, is quite within the proper role of Government and in fact answers the plain demands of social justice."

In these calm and reasoned words, the lead editorial of the Pilot, official organ of the archdiocese of Boston, dated May 26, 1962, discusses the broad outlines of national health insurance along the lines suggested by the administration.

The Pilot dismisses as groundless the fears expressed by a minority that the pioneering legislation proposed is a kind of halfway house on the way to socialism.

Public debate on this issue will dispel misunderstandings as to the purpose, the coverage, and the functioning of a health insurance program.

The Pilot, in general terms, endorses medicare as a part of the social security program. The editorial goes on to state:

One warning should be made in connection with it, however. We must not spend our efforts trying to write a perfect bill or we will have no bill at all. It will be pos-

sible to amend and adjust the provisions of any bill at a later time and meanwhile its benefits can be applied to those in need.

Some form of health insurance legislation for the aged is inevitable.

The Pilot urges the Congress to provide for it in 1962. The editorial in its entirety follows:

THE OLD AND THE SICK

The President has placed his full support behind a program for medical care of the aged and he plainly intends to get some favorable action out of the Congress during this session if possible. At the same time he has stirred up vocal opposition in some quarters, notably among some physicians and in the American Medical Association.

Most Americans will find it difficult to understand all of the technical aspects of the King-Anderson bill or any other one proposed for enactment. In simple truth, only the experts can draw up and administer a program as large as this one, building into it in the process those factors which will make it work effectively and those safeguards which will protect it from exploitation. The man in the street should not feel badly if the complexities of a national health insurance plan are beyond him; they make the going difficult even for the legislators who must vote on them. Certainly, editors and nonprofessionals generally, can do very little but comment on the wide picture as they discern it.

For our part we would like to endorse some plan of medical care for the aged and leave it to the experts to work out the details. Furthermore, and still in general terms, we would like to endorse some plan along the social security line which seems to us to have demonstrated its effectiveness already. More than this, we think that something should be done promptly and not postponed until all the arguments on one side and the other can be reduced to harmony. Elderly people in our country are not receiving the medical attention they deserve, and they cannot afford to wait any longer. Finally, we believe that the Government program, whatever it is, should retain private choice of physician and hospital and should complement voluntary health plans, not replace them.

What of the opposition? Surely the several physicians who have spoken against the bill are not either cruel or stupid, nor can they be considered misinformed. Perhaps the basic difference here is one of philosophy more than anything else and the fear that legislation of this sort is a kind of halfway-house on the way to socialism. As we see it, this is miles away from the present set of facts, and the fears are groundless. A program of Government-sponsored health insurance for the aged or any other part of society, is quite within the proper role of Government and in fact answers the plain demands of social justice. What has been proposed does not suggest that Government take over medical care or institutions; these remain private as formerly, only the payment is arranged by the health insurance program.

The dispute which has occupied the front pages of our papers is essentially helpful and we hope that it will continue. One warning should be made in connection with it however. We must not spend our efforts trying to write a perfect bill or we will have no bill at all. It will be possible to amend and adjust the provisions of any bill at a later time and meanwhile its benefits can be applied to those in need. The Congress can pass a reasonably good bill following the general lines we have spoken of and, at a future time, refine what aspects of the program seem faulty or inequitable. Medical care for the indigent aged we must have, and the time to get it is now.

THE ANCIENT ORDER OF HIBERNIANS FIGHTS COMMUNISM WITH FAITH AND FACTS

(Mr. LANE asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. LANE. Mr. Speaker, the Ancient Order of Hibernians is alert and vigorous in its opposition to communism. It realizes that we must know the nature of the enemy; its objectives and its devious methods; to unmask, repudiate, and defeat this conspiracy against God and against mankind.

With effective realism, the Ancient Order of Hibernians is keeping its members informed as to the meaning and the dangers of communism.

As an example of its patriotic service to the cause of freedom, I bring you its indictment of communism, and its call for continuing vigilance and expanding knowledge to combat the insidious techniques of conquest employed by the Reds in their campaign to undermine the free world.

It was prepared by John P. Ryan, chairman of Catholic Action for the National Board, Ancient Order of Hibernians in America, and distributed to members of the Ancient Order of Hibernians throughout the Nation:

Pope Plus XI said we should study and inform ourselves on communism. This is a challenge to all Americans of every faith. We should know how this insidious organization works.

In 1903 Lenin took Marx's ideas and established the Communist Party with only 17 supporters, but in 1917 this organization with only 40,000 trained agents took over all of Russia. Since that time this criminal conspiracy has enslaved over 1 billion human beings.

Americans and America have not grasped the fact that this is a total war with these people. The indifference and ignorance of the tactics, strategy, and objectives of the Communists is their greatest asset.

They have instigated civil wars in almost every country they have taken over and in the others they used infiltration and then coalition governments. Each of these nations had armies, however the armies fought each other or were infiltrated or agitated so that the Communists took over their countries without using their armies.

Lenin's plan has been summarized as follows: "First we shall take eastern Europe; then the masses of Asia, finally we shall encircle that last bastion of capitalism, the United States of America. We shall not have to attack. It will fall like an overripe fruit into our hands."

As to this blueprint it is working. Eastern Europe and Asia have fallen. The proposed encirclement has started with Cuba—90 miles from the Florida coast. All through South America the Communist Party has a good fast hold and we Americans stand by, giving concessions here and there and pouring our money into countries which are dominated and controlled by pro-Communist governments.

J. Edgar Hoover has attempted in numerous articles and speeches to alert the people of this country to the methods of this organization. He stated 4 months ago that there were some 200 known or suspected Communist front and Communist infiltrated organizations under investigation by the FBI. He said "They have infiltrated every sphere of activity, youth groups, radio, television, motion pictures, churches, schools,

Highway right-of-way purchasing agents, and these verbal concessions were a major factor in obtaining additional private property for highway purposes without resorting to condemnation proceedings, thereby saving the Michigan State Highway Department thousands of dollars in legal and purchasing expenses for additional land obtained from private property owners; and

Whereas one of our largest businesses in Michigan is the tourist business and to a great extent it is founded upon the principle of taking care of the motoring public who need and use such advertising signs as a guide to places to sleep, eat and to visit; and

Whereas the removal of such signs will deal the tourist industry of Michigan a staggering blow, which will cause an untold amount of confusion, as well as requiring the expenditure of a great deal of money in removing the signs, which, in many instances, because of the peculiar location of the businesses involved, cannot relocate their signs to an advantage; Now, therefore, be it

Resolved, That the senate request that a revision or an amendment be made in the Federal law upon recommendation of the Michigan Highway Department to eliminate the need for removal of such signs; and be it further

Resolved, That a copy of this resolution be transmitted to the Michigan State Highway Commission, the U.S. Bureau of Public Roads, and to each member of the Michigan delegation to the U.S. Congress.

Adopted by the senate, May 22, 1962.

BERYL I. KENYON,
Secretary of the Senate.

HOUSE RESOLUTION 104

Resolution requesting the State Highway Department to reexamine its sign removal policies

Whereas the Michigan State Highway Department, acting pursuant to the authority of Act No. 108 of the Public Acts of 1955, as amended, has been informing all businesses having frontage on State trunkline highways and advertising signs placed on State highway rights-of-way to remove the same; and

Whereas the State highway department, in its directive, has stated that the U.S. Bureau of Public Roads has issued a directive to all States, requiring all signs to be removed from any highway right-of-way wherever any Federal funds have been used in the building or maintaining of such State highways; and

Whereas in innumerable cases, businesses along the Michigan highways have been built on the principle of advertising and in many cases have secured previous permission from the State highway department to erect such advertising signs of the State highway rights-of-way at a considerable expense to the said business owners; and

Whereas one of the largest businesses of the State—the tourist business—is to a great extent founded upon the principle of catering to the motoring public whose use such advertising signs as guides to places to visit, to eat and to sleep; and

Whereas the removal of such signs will deal the tourist industry of Michigan a staggering blow, which will cause an untold amount of confusion, as well as requiring the expenditure of a great deal of money in removing the signs, which, in many instances, because of the peculiar location of the businesses involved, cannot relocate their signs to an advantage; and

Whereas while it seems to be true that the Federal directives appear to indicate that failure to follow the Federal directive on sign removal might result in a curtailment of Federal aid to State highway programs, nevertheless this policy has not definitely been decided, and, further, it should be pointed out that the moneys be-

ing spent on the Federal highway programs are moneys collected from the motoring public itself, and that if they find roadside signs of convenience, then, perhaps, the entire Federal and State policy regarding their removal should be reexamined: Now, therefore, be it

Resolved by the house of representatives, That the legislature request the Michigan State Highway Department to reexamine its directives concerning the removal of signs from the State highway rights-of-way; and be it further

Resolved, That a copy of this resolution be transmitted to the Michigan State Highway Commission, the U.S. Bureau of Public Roads, and to each member of the Michigan delegation to the U.S. Congress.

Adopted by the house May 15, 1962.

NORMAN E. PHILLEO,
Clerk of the House of Representatives.

POLITICS FIRST IN FHA

(Mr. MACGREGOR (at the request of Mrs. WEIS) was granted permission to extend his remarks at this point in the RECORD.)

Mr. MACGREGOR. Mr. Speaker, a highly political move by the present "politics first" administration has backfired and the people of Minnesota are the losers. The resignation of Wallace E. Berg of St. Louis Park, Minn., an extremely competent and dedicated Federal Housing Administrator, has been forced by Washington Democrats in announcing Berg's impending transfer out of Minnesota. His resignation yesterday to become an officer of Farmers and Mechanics Bank in Minneapolis resulted directly from the effort to "kick him upstairs."

Since May 12, I have received many letters from leading Minneapolis area professional people urging Berg's retention in the Minnesota job. These letters have come from suburban Hennepin municipal officials, producers of FHA loans, the Minneapolis Board of Realtors, and the Minnesota Association of Realtors. It is reported that Berg was forced out of Minnesota to create a political opening for a recently defeated DFL candidate. It is bad enough to add to the Washington bureaucracy by creating new jobs for most defeated Democrats, but it is certainly worse to force good men out of Federal service to provide slots for those Democrats rejected by the voters. On May 16, I protested to the head of the FHA in Washington about Berg's transfer and was told "staffing requirements necessitate the utilization of Berg's talents at the national level." This is pure politico-bureaucratic toe dancing designed to cover up the real purposes for easing Berg out of Federal service. Democratic officials in Washington are well aware that he had had earlier offers to go to Washington under far better terms than those handed him last month.

HELP WANTED: BUSINESS RELOCATION ASSISTANCE

(Mr. KOWALSKI (at the request of Mr. EDMONDSON), was given permission to extend his remarks at this point in the RECORD and include extraneous matter.)

Mr. KOWALSKI. Mr. Speaker, the plight of small businessmen in the path of public projects is a matter of national concern.

Many small businessmen suffer great personal hardships and severe financial losses, and receive little or no compensation.

While limited Federal financial assistance is given to businesses forced to relocate by urban renewal programs, it is not sufficient to cover actual costs.

No relocation payments are given to businesses evicted by highway clearance programs and many other public projects.

In my own State, Hartford and New Haven firms displaced by urban renewal projects had average actual expenses of close to \$9,000, a large portion of which are not covered by present relocation payments.

Twenty-five percent of these firms received no relocation payments at all although they were eligible.

A nationwide study conducted by William N. Kinnard and Zenon S. Malinowski and published by the University of Connecticut showed 1 out of every 4 businesses displaced by urban renewal projects go out of business for good.

The study also showed only one firm in a hundred succeeds in relocating in the project area when it is completed.

I propose a minimum three-point program to relieve businessmen of the burden of forced relocation.

First, the Federal Government should pay relocation costs to all businesses evicted by federally assisted public projects, not just those forced out by urban renewal.

Second, relocation payments should cover all actual costs, including moving expenses, property losses, losses resulting from delay in property acquisition, and loss of business good will.

Third, the Federal Government should provide lease guarantees in redevelopment areas and shopping centers which are now almost completely beyond the means of small independent merchants who have been forced to relocate.

This three-point program could do a great deal to enable the small businessman to survive and share in the renewed prosperity of his community.

I intend to discuss this in greater detail in the days ahead.

THE SCHOOL LUNCH: FOOD FOR THOUGHT AND FOOD FOR HEALTH

(Mr. SANTANGELO (at the request of Mr. EDMONDSON) was given permission to extend his remarks at this point in the RECORD and include extraneous matter.)

Mr. SANTANGELO. I rise to support H.R. 11665, a bill to revise the formula for appropriating cash assistance funds among the States under the National School Lunch Act. As a member of the Appropriations Committee, Subcommittee of Agriculture, I have been deeply concerned with the operation and the financing of the school lunch program throughout the United States. I think one of my most important contributions

to the work of the Appropriations Agriculture Subcommittee has been my deep interest in and strong support for the school lunch program and the special milk program.

The national school lunch program represents legislation which I believe by its nature and intent demands flexibility in order to meet changing school needs. You may remember that initial Federal assistance for school lunch programs which began in 1933, was started for three major reasons: First, to supplement relief feeding programs of the States and localities; second, to provide relief employment for the unemployed; and third, to assist in removing surplus agricultural commodities from the market. By 1946, when the school lunch program became permanent, the relief aspects had disappeared, and the objectives were broadened. At that time school lunch became an accepted program which, even in times of prosperity, had two very important objectives. One objective was to extend the market for agricultural food commodities by first, providing an expanded market for agricultural commodities through local purchases of food by school lunch programs in commercial channels of trade; second, serving as a valuable outlet for agricultural commodities purchased by the Department of Agriculture to alleviate local and seasonal surpluses; third, expanding the outlet for highly nutritious foods, particularly in areas of nutritional deficiencies; and fourth, introducing a wider variety of foods, thus creating a demand for commodities that many housewives would not otherwise buy.

The second and perhaps more important objective is to improve the health and well-being of the Nation's children by providing them a well-balanced lunch at school to help fill their daily nutritional requirements, and by developing proper and nutritionally beneficial food habits which will continue in later life.

Today, the national school lunch program furnishes food items to schools by distributing commodities acquired under the stipulations of the National School Lunch Act through State distributing agencies. Under section 6, National School Lunch Act, commodities are purchased on the basis of their nutritional value and acceptability. Under section 32 of the Agricultural Adjustment Act, those commodities declared as surplus foods by the Department of Agriculture are purchased for donation to authorized outlets including all eligible school lunch programs.

Under present school lunch programs, the average cost of a lunch is 50 cents; 11 cents is contributed by the Federal Government, 12 cents by the State and local subdivisions, and 27 cents by the parents. The formula for apportionment by the Federal Government to the States is based on school population without regard to the number of students participating in school lunches. Consequently, some States where student participation is higher than average participation, reimbursement to those schools is lower than average reimbursement; whereas, in some States where

student participation in type A lunches is lower than average participation, reimbursement to schools in those States is higher than average reimbursement. This is so because the sum allotted to a State is a fixed sum based on total school population. The result of more children participating in the program is that reimbursement for each child is less. This legislation proposes to eliminate that inequity. It revises the formula and provides that the apportionment of funds among the States be on the basis of the number of students participating in type A lunches in the preceding year multiplied by the need rate of a State.

A type A lunch is lunch without milk. A type B lunch is lunch with milk. A type C program is the consumption of milk alone without food. The provisions of this bill will eliminate the unfairness in those States where participation in type A lunch is higher than the average participation by increasing the reimbursement. In no event shall the State reimbursement to a participating school be less than 5 cents per meal regardless of the wealth of a particular State or its need rate, and in no event shall the reimbursement exceed 9 cents per meal.

This bill proposes to distribute one-half of the funds under the existing law and one-half of the funds under the new formula. In addition, where State statutes prevent the State agency from disbursing funds to private schools, the Secretary of Agriculture is authorized to disburse to such nonprofit private school that portion of Federal funds for the State attributable to the number of children participating in the school lunch program in the private schools. It is noteworthy that no question of constitutionality is raised against the practice of the Federal Government through the Secretary of Agriculture to make direct payment of Federal funds to nonprofit private schools whether they be parochial, Hebrew, protestant or otherwise. Contrast this attitude with the attitude as to the use of Federal funds to private schools in connection with aid to education. No difference in principle exists. Each of the two programs, Federal contributions to school lunch or Federal aid to education, has an observable objective or an observable end other than the establishment of religion. In one instance, the objective is the mental health of the children and the other instance, it is the physical health of our children.

The improvement in physical health is brought about by the use of better foods while at the same time distributing agricultural surpluses. This lack of objection to the use of Federal funds directly to the nonprofit private schools is proof positive that no valid constitutional objection exists in providing Federal aid to nonprofit private schools where all schools and schoolchildren are treated equally.

Since 1958, when I became a member of the Agricultural Subcommittee, the number of school enrollments in school lunch programs, the number of schools and children participating, and the number of meals served has increased greatly. As a result of my efforts on the Appropria-

tions Agricultural Subcommittee, the amount of Federal contributions to the school lunch program has increased greatly despite the reluctance of the prior administration to provide additional funds to take care of the increasing school population and school participation in school lunch.

The national school lunch program has contributed immeasurably to the health and welfare of the Nation. It has had a most beneficial influence on the eating habits of our young people. It has also helped to encourage the finest use of various food surpluses. The special milk program has encouraged the consumption of fluid milk by our schoolchildren.

The national school lunch program and the special milk program represent a sizable market for the food produced on our farms. Total Federal, State, and local funds expended under these programs represent a significant part of our annual food bill. In fiscal year 1958, a total of \$874.5 million was spent for these purposes. In fiscal year 1962, the expenditures for food in these programs are expected to increase to \$1,300 million.

Since 1958 school enrollment has increased from 38.4 million to 43.8 million, the number of children participating in school lunch programs has increased from 11.5 million to 14.4 million, and the number of meals served has increased from 1.9 billion to 2.4 billion. Federal contributions for school lunch since 1958 in the form of direct appropriations in cash and purchases under section 6 of the Agricultural Adjustment Act rose from \$100 million to \$170 million. In addition, commodities donated by the Federal Government from purchases with section 32 funds, that is, from a portion of our customs receipts and under section 416, rose from approximately \$75 million to \$111 million. The Federal expenditures under the special milk program rose from approximately \$65 million to \$101 million.

But the real importance of this program is not in the statistics, but in what they have meant to the schoolchildren. The almost \$380 million Federal expenditures for school lunches and milk represent a relatively small item in the total Federal budget in return for the real value of the program. The school lunch and special milk programs will reduce the number of physically unfit young men. During World War II, the number of rejections for the military services was over 150,000 because of bad teeth, vitamin deficiency, and other health defects. Such a large number of 4-F's was ominous and a warning. Good nutrition will correct those deficiencies to a large extent. The Federal expenditures represent a figure of vital importance to the millions of schoolchildren who for no charge or for a minimum charge may receive a noonday meal, which is not only appetizing but nourishing. Truly our school lunches are providing food for thought and food for health.

In 1958 during the national convention in Philadelphia of the American Food Service Association where I was a

speaker, I heard the executive secretary, Mr. Perryman, deliver a memorable address. He entitled his speech "The ALSO of School Lunch." Implicit in that speech is the list of benefits which are obtained. In speaking of the contributions of those who prepare the food, the panelist called the administrators, and the workers in the school lunch program, the ALSO of school lunch.

The initials meant:

A—Architects of anatomy.

L—Leaders of learning.

S—Sources of survival.

O—Operators of opinion.

Thus, we see that school lunches develop the anatomy, teach children what to eat by providing examples of nutritional food, prepare for survival by building stronger bodies and provide the food requirements, a necessity of life, so that our youth need not be diverted from the task of developing their minds and opinions in order to search for food.

The revised formula of this legislation improves the school lunch program, obtains maximum utility from appropriated funds by dividing funds on the basis of students participating rather than on the basis of school population. In our desire to help the impoverished people of the world, we must not forget that charity begins at home with our children. Let us provide in our schools not only food for thought but also food for health. I trust that this measure will pass.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. JAMES C. DAVIS, for 30 minutes today.

Mr. RYAN of New York, for 5 minutes, today.

Mr. DINGELL (at the request of Mr. ALBERT), for 90 minutes, today.

Mr. SCRANTON (at the request of Mrs. WEIS), for 15 minutes, on June 6.

Mr. SCHWENGEL (at the request of Mrs. WEIS), for 30 minutes, on June 6.

Mr. CURTIS of Missouri, for 3 minutes, today.

Mr. WHITENER (at the request of Mr. EDMONDSON), for 1 hour, tomorrow, June 6, 1962.

Mr. HEMPHILL (at the request of Mr. EDMONDSON), for 1 hour, tomorrow, June 6, 1962.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Appendix of the RECORD, or to revise and extend remarks, was granted to:

Mr. LANE in five instances and to include extraneous matter.

Mr. WALTER and to include extraneous matter.

Mr. ALBERT and to include an address by the Vice President of the United States given today at the commencement exercises of the National Cathedral School for Girls.

Mr. ROGERS of Texas (at the request of Mr. ALBERT) and to include extraneous matter.

Mr. BAKER and include a speech.

(The following Members (at the request of Mrs. WEIS) and to include extraneous matter:)

Mr. CURTIS of Massachusetts.

Mr. BECKER in five instances.

Mr. BARRY in two instances.

Mr. KING of New York in five instances.

Mr. DEROUNIAN in 12 instances.

Mr. BROOMFIELD in five instances.

Mr. MORSE.

Mr. RAY in three instances.

Mr. VAN ZANDT in seven instances.

Mr. MICHEL.

Mr. SCRANTON.

Mr. SAYLOR in three instances.

Mr. MATHIAS.

Mrs. ST. GEORGE.

Mr. YOUNGER.

Mr. HARVEY of Indiana in two instances.

Mr. SCHWENGEL in three instances, notwithstanding one exceeds the limit and is estimated by the Public Printer to cost \$225.

Mr. PILLION.

Mr. GOODLING in two instances.

Mr. HARRISON of Wyoming.

Mr. SHRIVER.

Mr. GUBSER.

Mr. CHAMBERLAIN in six instances.

Mr. CURTIS of Missouri in three instances.

(The following Members (at the request of Mr. EDMONDSON) and to include extraneous matter:)

Mr. McCORMACK.

Mr. DINGELL in two instances.

Mr. KEOGH.

Mr. BARING.

Mr. CELLER.

Mr. ZELENEO.

Mr. ANFUSO in two instances.

Mr. GILBERT in three instances.

Mr. MULTER in three instances.

Mr. KOWALSKI.

Mr. BLATNIK.

Mr. MONAGAN in two instances.

Mr. TOLL.

Mr. REUSS.

Mr. EDMONDSON.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 88. Joint resolution authorizing the issuance of a gold medal to Bob Hope.

ADJOURNMENT

Mr. EDMONDSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 58 minutes p.m.) the House adjourned until tomorrow, Wednesday, June 6, 1962, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2143. A letter from the Comptroller General of the United States, transmitting a

report on the review of the military assistance program (MAP) for Turkey, as administered by the Joint U.S. Military Mission for Aid to Turkey (JUSMMAT); to the Committee on Government Operations.

2144. A letter from the Comptroller General of the United States, transmitting a report on the review of supply management of selected weapon system components and spare parts in the Department of the Navy; to the Committee on Government Operations.

2145. A letter from the Administrator, Housing and Home Finance Agency, transmitting a report on a violation of section 3679 of the Revised Statutes, as amended, relating to an overobligation of an allotment in connection with project IND-17-6, Indianapolis, Ind.; to the Committee on Appropriations.

2146. A letter from the Secretary of Commerce, transmitting the 59th quarterly report covering the first quarter 1962, pursuant to the Export Control Act of 1949; to the Committee on Banking and Currency.

2147. A letter from the Secretary of the Interior, transmitting the sixth annual report of operations conducted by or under contract with the Bureau of Commercial Fisheries of the Department of the Interior to encourage the distribution of domestically produced fishery products for the fiscal year ending June 30, 1960, pursuant to 70 Stat. 1119; to the Committee on Merchant Marine and Fisheries.

2148. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders suspending deportation as well as a list of the persons involved, pursuant to the Immigration and Nationality Act of 1952; to the Committee on the Judiciary.

2149. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders suspending deportation as well as a list of the persons involved, pursuant to the Immigration and Nationality Act of 1952; to the Committee on the Judiciary.

2150. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting a copy of the order suspending deportation in the case of Carmela Caraccia, A8789066, pursuant to the Immigration and Nationality Act of 1952; to the Committee on the Judiciary.

2151. A letter from the Attorney General, transmitting a report relating to the review of voluntary agreements and programs, pursuant to section 708(e) of the Defense Production Act of 1950, as amended; to the Committee on Banking and Currency.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, pursuant to the order of the House of April 19, 1962 the following minority views were filed on June 5, 1962:

Mr. CURTIS of Missouri: Committee on Ways and Means. Part 2, minority views on H.R. 8846. A bill to amend the Internal Revenue Code of 1954 with respect to the taxation of distributions of stock and dispositions of property made pursuant to orders enforcing the antitrust laws (Rept. No. 1605). Referred to the Committee of the Whole House on the State of the Union.

[Submitted June 5, 1962]

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WILLIS: Committee on the Judiciary. H.R. 11017. A bill to amend section 4281, title 18, of the United States Code to increase from \$30 to \$100 the amount of gratuity

which may be furnished by the Attorney General to prisoners discharged from imprisonment or released on parole; without amendment (Rept. No. 1757). Referred to the Committee of the Whole House on the State of the Union.

Mr. WILLIS: Committee on the Judiciary. H.R. 11793. A bill to provide criminal penalties for trafficking in phonograph records bearing forged or counterfeit labels; without amendment (Rept. No. 1758). Referred to the House Calendar.

Mr. DELANEY: Committee on Rules. House Resolution 675. Resolution for consideration of H.R. 11879. A bill to provide a 1-year extension of the existing corporate normal-tax rate and of certain excise-tax rates, and for other purposes; without amendment (Rept. No. 1759). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MILLS:

H.R. 11990. A bill to provide for a temporary increase in the public debt limit set forth in section 21 of the Second Liberty Bond Act; to the Committee on Ways and Means.

H.R. 11991. A bill to amend the Internal Revenue Code of 1954 with respect to the taxation of life insurance companies; to the Committee on Ways and Means.

By Mr. BATTIN:

H.R. 11992. A bill to amend chapter 29 of title 18, United States Code, with respect to publication or distribution of printed political material; to the Committee on the Judiciary.

By Mr. BETTS:

H.R. 11993. A bill to provide full indemnities for sheep slaughtered in connection with the scrapie slaughter program; to the Committee on Agriculture.

By Mr. BLATNIK:

H.R. 11994. A bill to amend the Federal Water Pollution Control Act by creating a Federal Water Pollution Control Administration and for other purposes; to the Committee on Public Works.

By Mr. BYRNES of Wisconsin:

H.R. 11995. A bill to authorize redetermination under the Civil Service Retirement Act of annuities of certain reemployed annuitants; to the Committee on Post Office and Civil Service.

By Mr. CELLER:

H.R. 11996. A bill to amend the act of January 30, 1913, to provide that the American Hospital of Paris shall have perpetual succession; to the Committee on the Judiciary.

By Mr. CORBETT:

H.R. 11997. A bill to define the term "child" for lump-sum payment purposes under the Civil Service Retirement Act; to the Committee on Post Office and Civil Service.

H.R. 11998. A bill to provide for the transportation of mail by aircraft upon star routes within the Commonwealth of Puerto Rico; to the Committee on Post Office and Civil Service.

H.R. 11999. A bill to repeal section 25 of title 13, United States Code, relating to the duties of supervisors, enumerators, and other employees of the Bureau of the Census, Department of Commerce; to the Committee on Post Office and Civil Service.

H.R. 12000. A bill to amend section 131 of title 13, United States Code, so as to provide for taking of the economic censuses 1 year earlier starting in 1968; to the Committee on Post Office and Civil Service.

By Mr. JAMES C. DAVIS:

H.R. 12001. A bill to permit the retirement of employees under the Civil Service Retirement Act with full annuities on completion of 30 years of service, and for other purposes;

to the Committee on Post Office and Civil Service.

By Mr. DINGELL:

H.R. 12002. A bill to amend title 13 of the United States Code to provide for the collection of certain information with respect to the medical profession; to the Committee on Post Office and Civil Service.

By Mr. GIAIMO:

H.R. 12003. A bill to authorize the Housing and Home Finance Administrator to provide additional assistance for the development of comprehensive and coordinated mass transportation systems in metropolitan and other urban areas, and for other purposes; to the Committee on Banking and Currency.

By Mr. LINDSAY:

H.R. 12004. A bill to authorize the Secretary of Health, Education, and Welfare to make grants to the States to assist in the provision of facilities and services for the day care of children; to the Committee on Education and Labor.

By Mr. McDONOUGH:

H.R. 12005. A bill to authorize the Administrator of the Housing and Home Finance Agency to assist States, counties, cities, and political subdivisions of States, and public and private corporations established under State law, in providing improved mass transportation services in metropolitan areas; to the Committee on Banking and Currency.

By Mr. MERROW:

H.R. 12006. A bill to amend the Library Service Act in order to make areas lacking public libraries or with inadequate public libraries, public elementary and secondary school libraries, and certain college and university libraries, eligible for benefits under that act, and for other purposes; to the Committee on Education and Labor.

By Mr. CLEM MILLER:

H.R. 12007. A bill to amend the Agricultural Adjustment Act of 1933, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended; to the Committee on Agriculture.

By Mr. MULLIKEN:

H.R. 12008. A bill to incorporate the Navy Mothers' Clubs of America; to the Committee on the Judiciary.

By Mrs. ST. GEORGE:

H.R. 12009. A bill to permit the filing, before the use of a trademark in commerce, of an application for the registration of such trademark, and for other purposes; to the Committee on the Judiciary.

By Mrs. SULLIVAN:

H.R. 12010. A bill to regulate archeological exploration in the Canal Zone; to the Committee on Merchant Marine and Fisheries.

By Mr. HARRIS:

H.R. 12011. A bill to amend section 14 of the Natural Gas Act; to the Committee on Interstate and Foreign Commerce.

By Mr. REUSS:

H.R. 12012. A bill to grant the American Hospital of Paris perpetual succession; to the Committee on the Judiciary.

By Mr. SHELLEY:

H.R. 12013. A bill to provide for the issuance of special nonquota immigrant visas to certain aliens residing in Hong Kong who are relatives of U.S. citizens or permanent resident aliens; to the Committee on the Judiciary.

By Mr. BATTIN:

H.J. Res. 725. Joint resolution to request the President to proclaim June 1 to June 14 each year as "New Glory for Old Glory Time"; to the Committee on the Judiciary.

By Mr. CUNNINGHAM:

H.J. Res. 726. Joint resolution to authorize the President to proclaim May 15 of each year as Peace Officers Memorial Day and the calendar week of each year during which such May 15 occurs as Police Week; to the Committee on the Judiciary.

By Mr. JAMES C. DAVIS:

H.J. Res. 727. Joint resolution to authorize the President to proclaim May 15 of each

year as Peace Officers Memorial Day and the calendar week of each year during which such May 15 occurs as Police Week; to the Committee on the Judiciary.

By Mr. GEORGE P. MILLER:

H.J. Res. 728. Joint resolution to authorize the President to proclaim May 15 of each year as Peace Officers Memorial Day and the calendar week of each year during which such May 15 occurs as Police Week; to the Committee on the Judiciary.

By Mr. HARRIS:

H.J. Res. 729. Joint resolution to suspend for the 1964 campaign the equal opportunity requirements of section 315 of the Communications Act of 1934 for nominees for the Offices of President and Vice President; to the Committee on Interstate and Foreign Commerce.

By Mr. BRAY:

H. Res. 673. Resolution expressing the sense of the House of Representatives with respect to non-Federal installation of electric generating facilities at Hanford, Wash.; to the Joint Committee on Atomic Energy.

By Mr. STAGGERS:

H. Res. 674. Resolution expressing the sense of the House of Representatives with respect to non-Federal installation of electric generating facilities at Hanford, Wash.; to the Joint Committee on Atomic Energy.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CELLER:

H.R. 12014. A bill for the relief of Corsignana Dalbis and Marissa Dalbis; to the Committee on the Judiciary.

H.R. 12015. A bill for the relief of Ora Drelwicz; to the Committee on the Judiciary.

By Mr. CONTE:

H.R. 12016. A bill for the relief of Beverly Helen (Smith) Bowers; to the Committee on the Judiciary.

By Mr. DONOHUE:

H.R. 12017. A bill for the relief of Joyce E. Millette Clements; to the Committee on the Judiciary.

By Mr. KOWALSKI:

H.R. 12018. A bill for the relief of Capt. Henry F. Baker; to the Committee on the Judiciary.

By Mr. LANE (by request):

H.R. 12019. A bill for the relief of Branka Mardessich and Sonia Silvani; to the Committee on the Judiciary.

By Mr. MOORE:

H.R. 12020. A bill for the relief of John Rocca; to the Committee on the Judiciary.

By Mr. MOSS:

H.R. 12021. A bill for the relief of Mrs. M. Orta Worden; to the Committee on the Judiciary.

By Mr. ROSTENKOWSKI:

H.R. 12022. A bill for the relief of Jan and Anna Smal (nee Dworzanski); to the Committee on the Judiciary.

By Mr. SISK:

H.R. 12023. A bill to provide for the reinstatement and validation of U.S. oil and gas lease Sacramento 037552-C, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. WALTER:

H.R. 12024. A bill for the relief of Librande P. Caltagirone; to the Committee on the Judiciary.

By Mr. ZABLOCKI:

H.R. 12025. A bill for the relief of George A. Simmons; to the Committee on the Judiciary.

By Mr. LANE (by request):

H. Res. 676. Resolution providing for sending the bill (H.R. 12019) for the relief of Branka Mardessich and Sonia Silvani, together with accompanying papers, to the Court of Claims; to the Committee on the Judiciary.

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For information only;
should not be quoted
or cited)

Issued June 7, 1962
For actions of June 6, 1962
87th-2d, No. 91

CONTENTS

Automation.....22	Forestry.....13,15,29	Personnel.....11,27
Appropriations.....13,18	Foreign aid.....12	Poultry.....13
Conservation reserve....13	Foreign trade.....17	Public debt.....4
Cooperatives.....13	Hay.....13	Public Law 480.....12,26
Dairy.....13	Honeybees.....13	Purchasing.....7
Electrification.....21	Lands.....13,29	Reclamation.....10
Export control.....17	Mining.....29	Research.....24
Farm program.....1,25	National parks.....16	Retirement.....27
		School lunch.....2
		Soviet agriculture.....14
		Sugar.....28
		Surplus food.....8,26
		Taxation.....5
		Textiles.....3
		Transportation.....9,20
		User charges.....6
		Water conservation.....24
		Water resources.....19
		Wilderness.....23

HIGHLIGHTS: House Rules Committee cleared farm bill. House passed school lunch fund apportionment bill. Senate debated foreign aid bill. Senate committee voted to report bill to permit harvesting hay on conservation reserve acreage.

HOUSE

1. FARM PROGRAM. The "Daily Digest" states that the Rules Committee "Granted an open rule, with 6 hours of debate, waiving points of order against the bill and committee amendments as they pertain to P. L. 480, on H. R. 11222, the general farm bill." p. D440

Rep. Andersen, Minn., defended his role in the Estes case, saying, "H. Carl Andersen has never done anything wrong in connection with the Estes affairs. My conscience is clear." pp. 9062-6

Rep. Beermann charged that "the Democrats are engaged in a desperate attempt to shift the blame for the Billie Sol Estes scandals from the administration to the Republicans and to business." He further said, "I predict many more Billie Sol Estes scandals if the administration's farm bill is enacted." p. 9096

2. SCHOOL LUNCH PROGRAM. By a vote of 370 to 11, passed with amendments H. R. 11665, to revise the formula for apportioning cash assistance funds among the States under the National School Lunch Act. pp. 9061, 9066-8
3. TEXTILES. Several Representatives discussed the problems of the domestic textile industry, especially the effect of foreign competition on the industry. pp. 9089-91, 9093-5
4. PUBLIC DEBT. The "Daily Digest" states that the Ways and Means Committee met in executive session and ordered reported favorably to the House H. R. 11990, to provide for a temporary increase in the public debt limit set forth in section 21 of the Second Liberty Bond Act" (p. D440). The Committee was granted until midnight Thurs., June 7, to file a report on this bill (p. 9061).
5. TAXATION. Passed without amendment H. R. 11879, to provide a 1-year extension of the existing corporate normal-tax rate and of certain excise-tax rates. pp. 9068-80
6. USER CHARGES. Received from the Budget Bureau a report of the activity in the executive branch during fiscal year 1961 to further the Government's user charges policy; to Appropriations Committee (June 4).
7. PURCHASING. Rep. Halpern discussed H. R. 10946, to amend the prevailing wage section of the Davis-Bacon Act, as amended, and supported this proposed legislation. pp. 9097-8
8. SURPLUS FOOD. Received from GAO a report on the review of the Administration of the public assistance programs and the surplus food distribution program, Department of Public Welfare, District of Columbia government. p. 9098
9. TRANSPORTATION. The Interstate and Foreign Commerce Committee reported without amendment H. R. 11643, to amend sections 216(c) and 305(b) of the Interstate Commerce Act, relating to the establishment of through routes and joint rates (H. Rept. 1769). p. 9098
10. RECLAMATION. The Interior and Insular Affairs Committee voted to report with amendments (but did not actually report) H. R. 575, to authorize the Secretary of the Interior to construct, operate, and maintain the upper division of the Baker Federal reclamation project, Oregon. p. D440
11. PERSONNEL. The "Daily Digest" states that the Rules Committee "Granted an open rule, with 1 hour of debate, on H. R. 11677, to prohibit discrimination on account of sex in the payment of wages by certain employers." p. D440

SENATE

12. FOREIGN AID. Continued debate on S. 2996, the proposed Foreign Assistance Act of 1962. pp. 9117, 9121-27, 9132-55
Agreed to an amendment by Sen. Lausche, 57 to 24, in the nature of a substitute for an amendment by Sen. Proxmire, to provide that no assistance shall be furnished under this Act and no commodities may be sold or given under Public Law 480 to any country known to be dominated by communism or Marxism. The Proxmire amendment as amended by the Lausche amendment was then agreed to by a voice vote. pp. 9117, 9121-27, 9132-42



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 87th CONGRESS, SECOND SESSION

Vol. 108

WASHINGTON, WEDNESDAY, JUNE 6, 1962

No. 91

House of Representatives

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

Matthew 6: 33: *Seek ye first the kingdom of God and His righteousness.*

Our Creator and Benefactor, grant that we may be equal to the gigantic task of rightly comprehending and construing this exhortation which came from the lips of our blessed Lord.

We humbly confess that fundamentally and basically our range of interest and activity in the spiritual values of life is often so limited and alien to the mind of the Master who came to proclaim and establish the kingdom of God.

Our own hearts condemn us for we so frequently take such an indifferent and stoical attitude toward this mission which He felt to be of supreme importance.

May we be more eager and zealous in championing the cause of righteousness and in crushing those forces of iniquity which are scattering their power throughout the world and conspiring to undermine religion and the church.

Hear us for the sake of our Lord and Saviour. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

PERMISSION TO SIT DURING GENERAL DEBATE TODAY

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Special Subcommittee of the Committee on the District of Columbia may be permitted to sit today during general debate.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

AMENDMENTS TO NATIONAL SCHOOL LUNCH ACT

(Mr. O'HARA of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. O'HARA of Michigan. Mr. Speaker, this morning some of you may have received a letter from the gentleman from New Jersey [Mr. FRELINGHUYSEN] with respect to the motion to recommit the school lunch amendments, with instructions, offered at the close of legislative business yesterday.

The gentleman from New Jersey [Mr. FRELINGHUYSEN] indicates that unless the motion to recommit is adopted, the Secretary of Agriculture would be able to apportion special school lunch assistance funds among the States at his absolute discretion.

Mr. Speaker, that is not the case. If you have any doubt about this matter, I ask you to look at page 8991 of the Record of yesterday. My amendment to the Frelinghuysen amendment would be eliminated if the motion to recommit is adopted. I think that after you have read the Record you will agree that my amendment improves the Frelinghuysen amendment and that the motion to recommit should be defeated.

AMENDMENTS TO NATIONAL SCHOOL LUNCH ACT

(Mr. FRELINGHUYSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FRELINGHUYSEN. Mr. Speaker, the gentleman from Michigan [Mr. O'HARA] has referred to a letter which I sent to my colleagues urging them to support the motion to recommit the school lunch bill with instructions. I did this because I feel it would be very undesirable for us to include a provision which would necessitate that the Secretary of Agriculture, before he could make any apportionment of funds under this program, determine the needs of students in each State for free or reduced price lunches, in addition to his taking into account the number of lunches already being served either free or at a reduced price.

To give him that responsibility would be to delay the program. It would deprive the States of their responsibility of determining where the areas of need

lay within the States. The proposal by the gentleman of Ohio in the motion to recommit would give appropriate guidelines to the Secretary in making allotments to the States.

I think the basic responsibility of determining how this money should be distributed should rest with the States.

Mr. Speaker, I urge that the motion to recommit be agreed to.

TEMPORARY INCREASE IN THE PUBLIC DEBT LIMIT

Mr. MILLS. Mr. Speaker, I ask unanimous consent that the Committee on Ways and Means may have until midnight Thursday, June 7, 1962, to file a report on the bill (H.R. 11990) to provide for a temporary increase in the public debt limit set forth in section 21 of the Second Liberty Bond Act, along with any minority and/or supplemental views.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

CALL OF THE HOUSE

Mr. QUIE. Mr. Speaker, I make the point of order a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 98]

Addonizio	Everett	O'Konski
Alford	Evins	Peterson
Ashley	Flood	Pilcher
Ashmore	Hall	Rains
Beckworth	Hébert	Reece
Blitch	Hoffman, Mich.	Roberts, Ala.
Bolton	Holifield	Rousselot
Boykin	Horan	St. Germain
Bruce	Ichord, Mo.	Saund
Coad	Jones, Ala.	Seely-Brown
Colmer	Kearns	Sibal
Curtis, Mass.	Kitchin	Smith, Miss.
Daniels	Laird	Spence
Davis, Tenn.	Loser	Steed
Dent	McMillan	Teague, Tex.
Derwinski	MacGregor	Thomas
Devine	Magnuson	Westland
Diggs	Marshall	Whitten
Dooley	Meador	Williams

The SPEAKER. Three hundred and seventy-seven Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

CORRECTION OF ROLL CALL

Mr. JOHANSEN. Mr. Speaker, on rollcall No. 97 on June 5 I was recorded as absent. I was present and answered to my name, and ask unanimous consent that the permanent Record and Journal be corrected accordingly.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

QUESTION OF PERSONAL PRIVILEGE

The SPEAKER. The Chair recognizes the gentleman from Minnesota.

Mr. ANDERSEN of Minnesota. Mr. Speaker, I rise to a point of personal privilege.

The SPEAKER. The gentleman will state the grounds on which he bases his point of personal privilege.

Mr. ANDERSEN of Minnesota. Mr. Speaker, in the Washington Post of Tuesday, June 5, 1962, page 2, there is an article by Drew Pearson. He starts by saying:

Because ANDERSEN is a power, he got his assistant, William B. Morris, appointed to the Department of Agriculture.

Mr. Speaker, that is a lie.

He states further in the article, Mr. Speaker:

Digging behind the Morris letter, I learned that Billie Sol Estes not only purchased \$4,000 worth of stock in ANDERSEN's coal mine without receiving a single stock certificate to show for it.

And here is the lie, Mr. Speaker:

He also lobbied behind the scenes to protect ANDERSEN's stake in his brother's estate.

Referring to 1958, at which time I had never heard of Mr. Estes nor had I heard of him before last January.

I asked to be heard, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman on his question of personal privilege.

Mr. ANDERSEN of Minnesota. Thank you, Mr. Speaker.

(Mr. ANDERSEN of Minnesota asked and was given permission to revise and extend his remarks.)

Mr. ANDERSEN of Minnesota. Mr. Speaker, it is a privilege to be in the Congress of the United States. I recall the occasions when our late beloved Speaker, Sam Rayburn, took the floor and spoke of upholding the integrity of this institution, the Congress of the United States.

Mr. Speaker, just as it is a great privilege to Members to serve in this House, it is likewise a great privilege for these newsmen up above us in the press gallery to report the doings of this great body to the people of America.

I hold in my hand the Washington Post of Tuesday, June 5, 1962, a newspaper supposedly devoted to protecting

the rights of the people of America; and yet that same newspaper gives a special column, for some reason, not over on the comic page, where Drew Pearson's column really belongs, but on page 2, and it gives considerable space for a special article about H. CARL ANDERSEN. For permitting this man, Drew Pearson, to spew out these irresponsible statements, the Washington Post, in my opinion, should stand condemned.

Let me, on the other hand, pay compliment to the Evening Star, which published in full my news release of April 16, bringing out the facts. I thank them for so doing.

Before I pay my respects to columnist Drew Pearson, let me give you a few facts relative to him. Mr. Speaker, I feel sorry for this man. He is beyond the pale of decent society. He has developed an insane hatred for decent men and women, with whom he cannot associate. Let me make plain that while I am discussing this man I do not reflect upon the hundreds of fine newspaper men and women, many of whom are sitting up here in the press gallery today.

Certainly in a barrel of apples you will always find a few rotten ones. The rottenest of all these is this poor Drew Pearson, so warped in his mind and so diseased in his thinking that I pity him.

I have two little granddaughters, 7 and 9 years of age. I do not intend to permit any man so diseased in mind to destroy the opinions of those two little girls and their memory of their grandfather in the years to come.

Never once has this polecat ever mentioned the good that H. CARL ANDERSEN has done for the people of the United States through soil-conservation programs and the watershed-protection programs. All of that means nothing to this disgrace to the newspaper profession.

I state advisedly that this man and his kind and his helpers should be refused the right, the great privilege of reporting the happenings in this House of Representatives. The great fourth estate should do its own housecleaning. There are today among them at least one-half dozen writers who have lied about H. CARL ANDERSEN in the last 2 months.

I shall pay my respects, by the way, to Life magazine, the New York Herald Tribune, Time, and such publications, in due time.

Mr. Speaker, I feel it is up to the House and up to the Speaker to protect the integrity of the Members of this body against men of the stripe of Drew Pearson, who publish lies. Worse than lies are the innuendoes and half truths which are published and which many good people accept as the truth.

Let me quote a little bit about this Drew Pearson, from the information compiled for me by the Legislative Reference Service of the Congressional Library. I am going to quote the opinions of great men and women of this Nation relative to this polecat who takes it upon himself to defame the good name of H. CARL ANDERSEN.

Mr. Speaker, I ask unanimous consent that this statement received from the Library of Congress be inserted in the Record at this point.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The matter referred to follows:

DEROGATORY REMARKS ABOUT DREW PEARSON

Morris A. Bealle:

"Pearson's accuracy assays at only about 25 percent, his main effort being concentrated on getting a smidgeon of truth in each columny and relying on that to carry it through. As a smear bund operative he doesn't even take off his hat to New York's night club commando.

"Throughout the Roosevelt stranglehold on America, Pearson was the main White House stooge and sewer-level rumor monger. Whenever there was a trial balloon to be run up, or a little propaganda to be put out, or an alibi for a presidential blunder to be framed, or someone else's boom to be pricked, or a little bile to be gotten off the Roosevelt or Wallace or Ickes chest about a solid somebody in Washington, mustachioed Drew would come arunning. He would jump through the hoop when ordered by Ringmaster Steve Early, and 5 days later this concatenated hokum would appear in the Pearson column as news or inside stuff.

"Pearson has been the party of the first part in many a well-founded libel suit but so far has escaped unscathed. * * * he participated in the theft from the mails of confidential letters written by a Republican manufacturer in Connecticut to a correspondent in South America.

"All the boys in the Washington press galleries, except the leftist stooges and Communist sympathizers and 'New' Deal dog robbers, have an abiding contempt for this fellow who had brought prostitution of their great profession to its zenith. They say: 'When bigger lies are told Pearson will tell them.'

Marion T. Bennett, Representative, Missouri Sixth Congressional District, on the floor of the U.S. House of Representatives, December 17, 1941:

"The article is a bare-faced falsehood. This attempted smear by the two character assassins, Pearson and Allen, would reach the level of crime, did it emanate from the source of truth.

"Pearson and Allen do not have the manhood or honor to admit their mistake. These two columnists have prevaricated. They are well known in informed circles because of their utter lack of regard for the truth and for being two of the most dishonest, unreliable, and vicious character assassins in America. They are a disgrace to the great newspaper profession. They apparently seldom take the trouble to ascertain the facts. They make their living in the half light of minds diseased by the filth they alone can imagine."

Theodore G. Bilbo, U.S. Senator, Mississippi, on the floor of the U.S. Senate, March 12, 1945: "It is not only generally known, but it is universally admitted, that Drew Pearson is the biggest and most notorious liar in America today. Not only is Pearson recognized as being the biggest liar, but he is also recognized as being the most perfect smear artist of the press and radio. He will go down in history as Drew Pearson the sponge, because he gathers slime, mud, and slander from all parts of the earth and lets them ooze out through his radio broadcasts, and through his daily contributions to a few newspapers which have not yet found him out."

Frank Boykin, Representative, Alabama First Congressional District, as quoted by

On the floor of the U.S. House of Representatives, April 16, 1942: "On Monday of this week, April 12, 1942, the Supreme Court of the United States rendered a decision in my favor in holding that an article, referring to me, published by Pearson and Allen was libelous per se."

Extension of remarks on the floor of the U.S. House of Representatives, April 28, 1942: "Messrs. Pearson and Allen these anemic patriots who heretofore have made their living smearing public characters."

Times-Herald, Washington, D.C., as quoted by Representative Morrison, of Louisiana, May 20, 1943: "We dropped the Washington Merry-Go-Round out of the Times-Herald because of the poisonous attempts Pearson and Allen have made, and are still making, to smear the reputation of a great soldier, and in our opinion one of the greatest Americans of all time, Gen. Douglas MacArthur."

Harry S. Truman, U.S. Senator, Missouri; President of the United States.

On the floor of the U.S. Senate, February 11, 1943: "I merely wanted to make it plain that there was absolutely no foundation, in fact, for what Mr. Pearson said last night over the radio."

Press conference, March 11, 1948: "First I want to pay attention to a vicious statement that was made by a columnist. I had thought I wouldn't have to add another liar's star to that fellow's crown, but I will have to do it. This is just a lie out of the whole cloth."

As quoted by Associated Press, February 22, 1949: "If any s.o.b. thinks he can get me to discharge any member of my staff or Cabinet by some smart aleck statement over the air, he's mistaken."

"Very vicious attacks on my military aide have been unjust and I say advisedly, vicious."

As told by Anthony Leviero, reported, February 24, 1949: "One questioner at the news conference noted that President Peron of Argentina and Drew Pearson had been nominated for the Nobel Peace Prize. Mr. Truman replied that probably they had nominated themselves."

Millard E. Tydings, Senator, of Maryland: On the floor of the U.S. Senate, July 7, 1941:

"There was not a scintilla of truth in this libelous statement—libel had been uttered—it had been maliciously uttered, and I have the documentary proof."

"The spreading of rumors in a whispering campaign is not a crime against an individual; it is a crime against society and that is the kind of campaign which Drew Pearson has tried, in his nefarious manner, to conduct."

"But he that filches from me my good name robs me of that which not enriches him and makes me poor indeed. This is what Pearson and Allen tried to steal. Where are they now? I have brought all the facts out into the light of day. Where are the skunks now? Down in their hole where they ought to be and where the company suits them."

On the floor of the U.S. Senate, June 18, 1945:

"'Washington Merry-Go-Round' is written by an individual who names himself Drew Pearson, but most persons who are familiar with his utterances on a variety of subjects generally call him Pew Smearson. Normally, I would pay no attention to such garbage, but I am unwilling by silence to see this deliberate lie passed on to the American people."

"I fail to find within the limits of parliamentary language words to describe this worm masquerading in the physique and the clothing of a supposed man. In the last war this scoundrel, although away above the draft age, found asylum in an S.A.T.C., and the only powder he ever smelled was in

the presence of ladies who might have adorned the windward side of the parade ground; and today, sitting in a comfortable chair, far removed from any danger, without any scintilla of fact or truth to support the statement, this supposed purveyor of information besmirches the character of one of the most gallant soldiers."

"I would call him a perpetual, chronic, revolving liar, and a few other things that I cannot add in the presence of this distinguished and rather ethical company. This man has engaged, to my personal knowledge, in the gentle art of blackmail, without any success. He has been guilty of attempting to buy public influence."

U.S. Department of the Army, Public Information Division, press section; memorandum for the press, reprinted in the CONGRESSIONAL RECORD, April 26, 1948: "The implications in Mr. Pearson's statement are not only unfair, but are absolutely without foundation, as proved beyond question in the course of the investigation into the entire situation."

Washington Post, as quoted by Morris A. Bealle: "Drew Pearson wrote a column which the Post, in the best judgment of its editors, deemed a personal attack, unfair on the face of it. The Post did not print this column. For the same reason the Post has omitted parts of all of Pearson's columns in the past."

Sumner Welles, Under Secretary of State, United States; press conference, December 28, 1940, as told by New York Times reporter: "Welles denied every detail of both accounts published by Messrs. Pearson and Allen, and quoted a letter he wrote them on December 22, asking for a retraction."

Burton K. Wheeler, U.S. Senator, Montana, as told by Representative Morrison, of Louisiana: "Senator Burton K. Wheeler, of Montana, stated Pearson had lied about him, stating that Drew Pearson was a black animal with a white stripe down his back. Wheeler declared that this very crowd in Washington, meaning Drew Pearson and his crowd, has been taught to smear every Senator and Member of the House who does not agree 100 percent with the New Deal bureaucrats."

Earl Wilson, Representative, Indiana Ninth Congressional District, on the floor of the U.S. House of Representatives, March 15, 1945: "This ruthless, double-barreled, diabolical, puerile liar, Drew Pearson. He is a liar, preceded by many uncomplimentary adjectives and is really everything he has been called and more."

Mark Woods, president, Blue Network, a subsidiary of the Radio Corp. of America, statement to the press, February 9, 1948: "While not mentioning either Mr. Winchell or Mr. Pearson by name, Mark Woods, president of the Blue Network, said that 'several commentators have recently departed from their printed scripts to discuss issues in a biased and inflammatory manner.'"

Mr. ANDERSEN of Minnesota. What did his former mother-in-law, Eleanor Patterson say about this man during the war? Let me repeat that quote:

Incidentally, you GI Joes, when you happen to listen to the phony Quaker Pearson of a Sunday night—Bleeding Heart Drew—never forget that although he was 20 and in perfect health in 1917, he managed to "thee and thou" himself out of the service in World War I. Then, as now, Drew was a yellow-bellied slacker.

Mr. Speaker, this brings me to the horrible part of my remarks to you today. Just last week on Memorial Day while Mrs. Andersen and my son Alfred were placing flowers on the grave of my brother, who died just last August and was buried in the Fort Snelling Cemetery, this vile, corrupt creature, Drew

Pearson, or one of his assistants was preparing this article. Let me read it to you:

The brother, Walter G. Andersen, suffered from shell shock during World War I and became a hopeless mental case.

Yes; he did. He was in France, in the trenches for 10 months, during World War I. He was hauling shells up to the front when the truck ahead exploded and he was shell-shocked. He was rendered helpless, and for 42 years he suffered the pangs of the damned, living in another world.

I was his guardian for 42 years. I took what care I could of him.

He was hospitalized in the Veterans Hospital at St. Cloud, Minn., for the rest of his life.

Think of that. This man gave his life for his country—is there anything wrong with our country taking care of him? But in Drew Pearson's mind this happened to be H. CARL ANDERSEN's brother.

To quote some more of the spewings of this degenerate man, this man who should never be allowed to sit up in this Press Gallery, listen to this:

Yet he continued to collect his veteran's pension even though incapable of spending the money.

That was the law. It simply accumulated in a fund that was administered by his Congressman brother.

Yes; and for 42 years I took meticulous care of that fund, and the probate court has commended me for that long guardianship of the estate, which we have just closed.

Now to further quote Drew Pearson.

He says:

In 1958, however, the Representatives take in this fund was suddenly threatened. Legislation was introduced restricting the rights of relatives to inherit pension money from 'incompetent' veterans. This would have curtailed the pension the Representative's brother was accumulating. So the Representative from Minnesota carried on a vigorous but vain campaign in the Capitol cloakrooms to block the bill.

Ask yourself this question: Why does this character, Drew Pearson, bring up the subject of my brother? In 1958 I helped kill a proposed bill at the request of a fine little old lady, Mrs. Rogers, Congresswoman from Massachusetts, who has now gone. This bill would have said to 210,000 dependents of incompetent veterans, "No, you parents cannot inherit from your son without proving yourselves to be paupers." Congresswoman Rogers came to me and said, "This bill is horrible. Won't you help to kill it?" I helped kill it. Drew Pearson says I did it because of personal interest in my brother's estate in the future. Yet I proved by the Veterans' Administration that only \$700 of that estate could ever revert to the Government under that proposed law.

No lobbyist came to me. Just Edith Nourse Rogers who persuaded me that that was a bad piece of legislation. There was no lobbying done. I got up on the floor here as some of you remember, and fought that situation out and temporarily won the issue that day. This damnable skunk makes use of in-

quendos and half truths, and they are worse than lies.

To read further:

This was acknowledged by his former legislative assistant, Peg Murray, who refused, however, to discuss the details.

"Congressman ANDERSEN is my friend," she finally blurted, and slammed down the phone.

Mrs. Peg Murray is a fine lady and gave wonderful service in my office prior to the time she retired, and I am proud of the fact that through the years these people who have worked for me have remained loyal to H. CARL ANDERSEN. What better tribute could a man have who has been in the Congress for 24 years?

Now listen to this, and I think here he is stooping down to a level that I hope never to see approached again in any news column by any of these men of the press. Listen to this:

Walter Andersen finally died of a heart attack last year as he stood holding a plate in a lunch line.

Now why does this damnable columnist make a statement like that? What is he inferring? Did not my brother have the right as a veteran to be in a veterans' hospital the same right as all veterans have?

Then he says:

He left \$33,652 in accumulated pension money, a farm valued at \$21,000, and an undisclosed investment in Government bonds. The Representative has now collected his share of the estate.

This is another lie. My brother left under my trust \$51,000 in Government bonds. There was no farm. There was nothing else. Each of us received approximately \$7,000 as our share of the estate.

He does not care how he lies, my friends. I am exposing the skunk for what he is and I hope this speech will do some good to persuade the leadership that he and his minions have no place among these other fine men and women up here in the press gallery. He will lie about other Members of the House as he has lied about me. I am a great believer in laying the cards on the table in the hope that we can get that skunk out of this otherwise fine press gallery. I hope to come back in January and continue the attempt to clean out of the press gallery these few writers who write deliberate lies. Here is one Congressman who has the guts to say what he thinks about these scoundrels. Excuse me if I am a little emotional on this matter at this point. I am disturbed because of this reference to my dead brother. I am sure any one of you would feel the same way under similar circumstances.

Then he goes on to say something further—but this has nothing to do with my brother. What I have to say about the Estes case will be said before the McClellan subcommittee. I requested a complete examination of my records by the Federal Bureau of Investigation and they have done so. I am not answering scum like Drew Pearson in reference to a case which will shortly come before

a proper committee of the Congress. I stand here and say to you—I have done no wrong. My conscience is clear. I just happened to be walking by a wall when it tumbled over on me. This could have happened to any of you Members of Congress.

I have seen some of my colleagues look a little doubtful at me. You have no reason to do so. I have thought that I noticed this even among a few of my old friends.

Mr. JENSEN. Mr. Speaker, will the gentleman yield?

Mr. ANDERSEN of Minnesota. I yield to my good friend from Iowa.

Mr. JENSEN. Have I ever treated you with anything but high respect?

Mr. ANDERSEN of Minnesota. I have never seen anything to the contrary.

Mr. JENSEN. Of course you have not.

Mr. ANDERSEN of Minnesota. We are two fighting Danes, and that is why I am up here today.

Mr. JENSEN. I have held you in the highest regard. I have known you 24 years. I sat with you in the Appropriations Committee for 20 years. I have never seen you do anything that was not upright and honest.

Mr. ANDERSEN of Minnesota. Thank you very much, Mr. JENSEN.

Mr. JENSEN. Let me say this to you, Mr. ANDERSEN, that I respect you for doing exactly what you have done in the past.

Mr. ANDERSEN of Minnesota. Thank you sir.

Mr. JENSEN. Certainly the man who has condemned you and written about you wrote about me a number of times and then finally really told a big one on me and I sent word to the gentleman that he had best not ever mention my name again, either good or bad in his dirty column, and he has not mentioned my name in his column since—and he better not mention it.

Mr. ANDERSEN of Minnesota. Mr. JENSEN, I want to say this, I do not know of a better man on the floor of the House than Mr. BEN JENSEN.

My friends, I have tried to make my case. I appreciate the understanding with which all of you have listened to me, and I repeat again that H. CARL ANDERSEN has never done anything wrong in connection with the Estes affairs. My conscience is clear, so help me God.

I thank you, Mr. Speaker.

AMENDMENTS TO NATIONAL SCHOOL LUNCH ACT

The SPEAKER pro tempore (Mr. ALBERT). The unfinished business is the vote on the motion offered by the gentleman from Ohio [Mr. ASHBROOK] to recommit the bill (H.R. 11665) to revise the formula for apportioning cash assistance funds among the States under the National School Lunch Act, and for other purposes.

The question is on the motion to recommit.

The question was taken, and the Speaker pro tempore announced that the "ayes" had it.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground a quorum is not present, and I make the point of order that a quorum is not present.

The SPEAKER pro tempore. The Chair will count. [After counting.] One hundred and thirty Members are present, not a quorum.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

Mr. OSTERTAG. Mr. Speaker, a point of order.

The SPEAKER pro tempore. The gentleman will state it.

Mr. OSTERTAG. Mr. Speaker, is this a straight motion to recommit?

The SPEAKER pro tempore. That is not a point of order.

Mr. OSTERTAG. A parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. OSTERTAG. I want to know what we are voting on, whether we are voting on a motion to recommit with instructions, or on a straight motion to recommit.

The SPEAKER pro tempore. It is a motion to recommit, with instructions.

The Clerk will call the roll.

The question was taken; and there were yeas, 160, nays 220, not voting 57. as follows:

[Roll No. 99]

YEAS—160

Adair	Fenton	Moorehead,
Alger	Findley	Ohio
Andersen,	Fino	Morse
Minn.	Ford	Mosher
Anderson, Ill.	Frelinghuysen	Nelsen
Arends	Fulton	Norblad
Ashbrook	Garland	Nygaard
Auchincloss	Gavin	Osmers
Avery	Glenn	Ostertag
Ayres	Goodell	Pelly
Baker	Goodling	Pillion
Baldwin	Griffin	Pirnie
Barry	Gross	Poff
Bass, N.H.	Gubser	Quile
Bates	Hall	Ray
Battin	Halleck	Reifel
Becker	Halpern	Rhodes, Ariz.
Beckworth	Harrison, Wyo.	Riehman
Beermann	Harsha	Robison
Belcher	Harvey, Ind.	Roudebush
Bell	Harvey, Mich.	St. George
Bennett, Mich.	Hiestand	Saylor
Berry	Hoeven	Schadeberg
Betts	Hoffman, Ill.	Schenck
Bow	Hosmer	Scherer
Bray	Jensen	Schneebell
Broomfield	Johansen	Schweiker
Brown	Jonas	Schwengel
Broyhill	Judd	Scranton
Bruce	Keith	Shipley
Byrnes, Wis.	Kilburn	Short
Cahill	King, N.Y.	Shriver
Cederberg	Knox	Siler
Chamberlain	Kunkel	Smith, Calif.
Chenoweth	Kyl	Springer
Chiperfield	Laird	Stafford
Church	Langen	Taber
Clancy	Latta	Teague, Calif.
Collier	Lindsay	Thomson, Wis.
Conte	Lipscomb	Tollefson
Corbett	McCulloch	Tupper
Cramer	McIntire	Utt
Cunningham	McVey	Van Pelt
Curtin	Mailliard	Van Zandt
Curtis, Mo.	Martin, Mass.	Waggonner
Dague	Martin, Nebr.	Wallhauser
Derounian	Mason	Weaver
Derwinski	Mathias	Wels
Dole	May	Whalley
Dominick	Morrow	Wharton
Dorn	Michel	Widnall
Durno	Miller, N.Y.	Wilson, Calif.
Dwyer	Milliken	Wilson, Ind.
Ellsworth	Minshall	Younger

NAYS—220

Abbitt Hagan, Ga. O'Brien, N.Y.
 Abernethy Hagen, Calif. O'Hara, Ill.
 Addabbo Haley O'Hara, Mich.
 Albert Hansen Olsen
 Alexander Harding O'Neill
 Andrews Hardy Passman
 Anfuso Harris Patman
 Aspinall Harrison, Va. Perkins
 Bailey Hays Pfost
 Barrett Healey Pike
 Bass, Tenn. Hechler Poage
 Bennett, Fla. Hemphill Powell
 Blatnik Henderson Price
 Blitch Herlong Pucinski
 Boggs Holifield Purcell
 Bolling Holland Randall
 Bonner Huddleston Reuss
 Brademas Hull Rhodes, Pa.
 Breeding Ichord, Mo. Riley
 Brewster Inouye Rivers, Alaska
 Brooks Jarman Rivers, S.C.
 Buckley Jennings Roberts, Ala.
 Burke, Ky. Joelson Roberts, Tex.
 Burke, Mass. Johnson, Calif. Rodino
 Burleson Johnson, Md. Rogers, Colo.
 Byrne, Pa. Johnson, Wis. Rogers, Fla.
 Cannon Jones, Mo. Rogers, Tex.
 Carey Karsten Rooney
 Casey Karth Roosevelt
 Celler Kastenmeier Rosenthal
 Chelf Kee Rostenkowski
 Clark Kelly Roush
 Cohelan Kilgore Rutherford
 Cook King, Calif. Ryan, Mich.
 Cooley King, Utah Ryan, N.Y.
 Corman Kirwan Santangelo
 Daniels Kluczynski Scott
 Davis, James C. Kornegay Selden
 Davis, John W. Kowalski Shelley
 Dawson Landrum Sheppard
 Delaney Lane Sikes
 Denton Lankford Sisk
 Dingell Lennon Slack
 Dowdy Lesinski Smith, Iowa
 Downing Libonati Smith, Va.
 Doyle McDonough Staggars
 Edmundson McDowell Steed
 Everett McFall Stephens
 Fallon McSween Stratton
 Farbstain Macdonald Stubblefield
 Feighan Mack Sullivan
 Finnegan Miller, Clem Taylor
 Fisher Mills Thompson, La.
 Flynt Moeller Thompson, N.J.
 Forrester Monagan Thompson, Tex.
 Fountain Montoya Thornberry
 Frazier Moore Toll
 Friedel Moorhead, Pa. Tuck
 Gallagher Morgan Vanik
 Garmatz Morris Vinson
 Gary Morrison Walter
 Gathings Moss Watts
 Gialmo Moulder Whitener
 Gilbert Multer Wickersham
 Gonzalez Murphy Willis
 Granahan Murray Winstead
 Grant Natcher Wright
 Gray Nedzi Yates
 Green, Oreg. Nix Young
 Green, Pa. Norrell Zablocki
 Griffiths O'Brien, Ill. Zelenko

NOT VOTING—57

Addonizio Fascell Philbin
 Alford Flood Pilcher
 Ashley Fogarty Rains
 Ashmore Hébert Reece
 Barling Hoffman, Mich. Rousselot
 Boland Horan St. Germain
 Bolton Jones, Ala. Saund
 Boykin Kearns Seely-Brown
 Bromwell Keogh Siball
 Coad Kitchin Smith, Miss.
 Colmer Loser Spence
 Curtis, Mass. McMillan Teague, Tex.
 Daddario MacGregor Thomas
 Davis, Tenn. Magnuson Trimble
 Dent Marshall Westland
 Devine Meader Whitten
 Diggs Miller, George P. Williams
 Donohue O'Konski
 Dooley Peterson

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Kearns for, with Mr. Keogh against.
 Mr. McGregor for, with Mr. Hébert against.
 Mrs. Bolton for, with Mr. O'Konski against.

Mr. Devine for, with Mr. Fogarty against.
 Mr. Rousselot for, with Mr. Saund against.

Until further notice:

Mr. McMillan with Mr. Bromwell.
 Mr. Loser with Mr. Curtis of Massachusetts.
 Mr. Ashley with Mr. Westland.
 Mr. Kitchin with Mr. Meader.
 Mr. Alford with Mr. Siball.
 Mr. Dent with Mr. Horan.
 Mr. Daddario with Mrs. Reece.
 Mr. Donohue with Mr. Seely-Brown.
 Mr. Philbin with Mr. Dooley.

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER. The question is on the passage of the bill.

Mr. FRELINGHUYSEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 370, nays 11, not voting 56, as follows:

[Roll No. 100]

YEAS—370

Abbitt Clark Green, Oreg.
 Abernethy Cohelan Green, Pa.
 Adair Collier Griffin
 Addabbo Conte Griffiths
 Albert Cook Gross
 Alexander Cooley Gubser
 Anderson, Ill. Corbett Hagan, Ga.
 Andrews Corman Hagen, Calif.
 Anfuso Cramer Haley
 Arends Cunningham Hall
 Aspinall Curtin Halleck
 Auchincloss Curtis, Mo. Halpern
 Avery Daddario Hansen
 Ayres Dague Harding
 Bailey Daniels Hardy
 Baker Davis Harris
 Baldwin James C. Harrison, Va.
 Baring Davis, John W. Harrison, Wyo.
 Barrett Dawson Harsha
 Barry Delancy Harvey, Ind.
 Bass, N.H. Denton Harvey, Mich.
 Bass, Tenn. Derounian Hays
 Bates Derwinski Healey
 Battin Dingell Hechler
 Becker Dole Hemphill
 Beckworth Dominick Henderson
 Belcher Dorn Herlong
 Bell Dowdy Hiestand
 Bennett, Fla. Downing Hoeven
 Bennett, Mich. Doyle Hoffman, Ill.
 Berry Dulski Hollifield
 Betts Durno Holland
 Blatnik Dwyer Hosmer
 Blitch Edmondson Huddleston
 Boggs Elliott Hull
 Bolling Everett Ichord, Mo.
 Bonner Fallon Inouye
 Bow Farbstain Jarman
 Brademas Fascell Jennings
 Bray Feighan Jensen
 Breeding Fenton Joelson
 Brewster Findley Johnson, Calif.
 Bromwell Finnegan Johnson, Md.
 Brooks Fino Johnson, Wis.
 Broomfield Flynt Jonas
 Brown Ford Jones, Mo.
 Broyhill Forrester Judd
 Bruce Fountain Karsten
 Buckley Frazier Kastenmeier
 Burke, Ky. Friedel Kee
 Burke, Mass. Fulton Kelly
 Burleson Gallagher Kilburn
 Byrne, Pa. Garland Kilgore
 Byrnes, Wis. Garmatz King, Calif.
 Cahill Gary King, N.Y.
 Cannon Gathings King, Utah
 Carey Gavin Kirwan
 Casey Glaimo Kluczynski
 Cederberg Gilbert Knox
 Celler Glenn Kornegay
 Chamberlain Chelf Kowalski
 Chenoweth Goodling Kunkel
 Chipperfield Granahan Kyl
 Church Grant Laird
 Clancy Gray

Landrum O'Brien, N.Y.
 Lane O'Hara, Ill.
 Langen O'Hara, Mich.
 Lankford Olsen
 Latta O'Neill
 Lennon Osmer
 Lesinski Ostertag
 Libonati Passman
 Lindsay Patman
 Lipscomb Pelly
 McCulloch Perkins
 McDonough Pfost
 McDowell Pike
 McFall Pillion
 McIntire Pirule
 McSween Poage
 McVey Poff
 Macdonald Price
 Mack Pucinski
 Madden Purcell
 Mahon Quie
 Maillard Randall
 Martin, Mass. Reifel
 Martin, Nebr. Reuss
 Mathias Rhodes, Ariz.
 Matthews Rhodes, Pa.
 May Riehlman
 Merrow Riley
 Miller, Clem Rivers, Alaska
 Miller, George P. Rivers, S.C.
 Miller, N.Y. Roberts, Ala.
 Milliken Roberts, Tex.
 Mills Robison
 Minshall Rodino
 Moeller Rogers, Colo.
 Monagan Rogers, Fla.
 Montoya Rogers, Tex.
 Moore Rooney
 Moorehead, Ohio Roosevelt
 Moorhead, Pa. Rosenthal
 Morgan Rostenkowski
 Morris Roudeshush
 Morrison Roush
 Morse Rutherford
 Mosher Ryan, N.Y.
 Moss St. George
 Moulder Schadeberg
 Multer Schenck
 Murphy Scherer
 Murray Schneebell
 Natcher Schwelker
 Nelsen Schwengel
 Nix Scott
 Norblad Scranton
 Norrell Selden
 Nygaard Shelley
 O'Brien, Ill. Sheppard

NAYS—11

Alger Beermann Michel
 Andersen, Minn. Goodell Ray
 Ashbrook Johansen Taber
 Mason Wagonner

NOT VOTING—56

Addonizio Flood Pilcher
 Alford Fogarty Powell
 Ashley Hébert Rains
 Ashmore Hoffman, Mich. Reece
 Boland Horan Rousselot
 Bolton Jones, Ala. Ryan, Mich.
 Boykin Kearns St. Germain
 Coad Keogh Saund
 Colmer Kitchin Seely-Brown
 Curtis, Mass. Loser Siball
 Davis, Tenn. McMillan Smith, Miss.
 Dent MacGregor Spence
 Devine Magnuson Teague, Tex.
 Diggs Marshall Thomas
 Donohue Meader Westland
 Dooley Nedzi Whitten
 Ellsworth O'Konski Williams
 Evins Peterson
 Fisher Philbin

So the bill was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mrs. Bolton.
 Mr. Fogarty with Mr. Siball.
 Mr. Keogh with Mr. O'Konski.
 Mr. McMillan with Mr. Ellsworth.
 Mr. Loser with Mr. MacGregor.
 Mr. Ashley with Mr. Kearns.
 Mr. Dent with Mr. Devine.
 Mr. Donohue with Mr. Westland.
 Mr. Philbin with Mr. Dooley.
 Mr. Alford with Mr. Seely-Brown.
 Mr. Diggs with Mr. Rousselot.
 Mr. St. Germain with Mr. Horan.

Mr. Kitchin with Mr. Meader.
Mr. Peterson with Mrs. Reece.
Mr. Evins with Mr. Hoffman of Michigan.
Mr. Ashmore with Mr. Curtis of Massachusetts.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. ALGER. Mr. Speaker, once again I find it necessary to take the floor to protest the continuation of the school lunch program as unconstitutional and outside the jurisdiction of the Federal Government. I want to make it clear to my colleagues that I am wholeheartedly in favor of schoolchildren drinking milk and having enough to eat, but I am wholly against the Federal Government providing food, clothing, or other necessities of life. In our free Republic this is not the function of the Federal Government.

I protest, too, the confusion of the intent of Congress in the continuation of this program. When Federal assistance to school lunch programs was started in the midthirties it was for the purpose of helping to dispose of surplus agriculture commodities. We have now expanded the program to the point where the President creates surpluses to provide school lunches in order to carry on a Government-sponsored plan for proper nutrition. Again, I say, this is not the role of the Federal Government.

It is time we in Congress stand on constitutional principles before we vote to continue old programs or institute new ones which violate the Constitution. It was on the basis of principle that the school board of the Richardson, Tex., school district only last night voted to discontinue Federal assistance for its school lunch program in spite of the fact that such assistance totaled some \$130,000 in the past fiscal year. This is the kind of responsible action our citizens are prepared to take. Surely Congress can do no less.

GENERAL LEAVE TO EXTEND

Mr. BAILEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

PERSONAL ANNOUNCEMENT

Mr. TRIMBLE. Mr. Speaker, in roll-call No. 99 I was unavoidably absent. Had I been present, I would have voted "nay."

CORRECTION OF ROLL CALL

Mr. ZABLOCKI. Mr. Speaker, on roll-call No. 99 I am recorded as not voting. I was present and voted "yea" and I ask unanimous consent that the RECORD be corrected accordingly.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

TAX RATE EXTENSION ACT OF 1962

Mr. DELANEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 675 and ask for its immediate consideration.

The Clerk read as follows:

Resolved, That upon the adoption of this resolution, it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11879) to provide a one-year extension of the existing corporate normal-tax rate and of certain excise-tax rates, and for other purposes, and all points of order against said bill are hereby waived. That after general debate, which shall be confined to the bill, and shall continue not to exceed three hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the bill shall be considered as having been read for amendment. No amendment shall be in order to said bill except amendments offered by direction of the Committee on Ways and Means, and said amendments shall be in order, any rule to the contrary notwithstanding. Amendments offered by direction of the Committee on Ways and Means may be offered to any section of the bill at the conclusion of the general debate, but said amendments shall not be subject to amendment. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion, except one motion to recommit.

Mr. DELANEY. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio [Mr. BROWN]; pending that I yield myself such time as I may consume.

Mr. Speaker, House Resolution 675 provides for the consideration of H.R. 11879, a bill to provide a 1-year extension of the existing corporate normal-tax rate and of certain excise-tax rates, and for other purposes. The resolution provides for a closed rule, waiving points of order, with 3 hours of general debate.

H.R. 11879 continues the present corporate tax rate and certain existing excise tax rates for 1 year. In addition, it continues for 6 months the present 10-percent tax with respect to the transportation of persons. At that time, the bill provides for the expiration of the excise tax on all forms of transportation of persons except transportation of persons by air. The tax on the transportation of persons by air is continued for an additional 6 months, or until July 1, 1963, but at a 5-percent rather than a 10-percent rate.

The existing tax rates which this bill continues for 1 year, or until July 1, 1963, are the present 52 percent corporate income tax rate, which would otherwise revert to 47 percent, and the present rates of excise tax on distilled spirits, beer, wine, cigarettes, passenger cars, automobile parts and accessories, and general telephone service. All of the taxes affected by this bill, except those relating to general telephone service and transportation of persons, are taxes which were increased at the time of the Korean war. The Tax Rate Extension Act of 1959 added the latter two taxes to the list of taxes subject to automatic reduction.

If the bill were not enacted, it is estimated that there would be a revenue loss of from \$4 to \$4.3 billion in a full year of operation and a loss of revenue in the fiscal year 1963 of from \$2.7 to \$2.9 billion.

Mr. Speaker, I know of no opposition to the rule and I urge the adoption of the resolution.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. DELANEY. I yield to the gentleman from Iowa.

Mr. GROSS. Did the gentleman say that all or nearly all of these taxes were levied during the Korean war?

Mr. DELANEY. That is right.

Mr. GROSS. The taxes were initiated or were increased as a result of the Korean war; is that correct?

Mr. DELANEY. That is correct.

Mr. GROSS. Is the Korean war over?

Mr. DELANEY. The gentleman and I both know that we still have the same conditions now that existed then.

Mr. GROSS. Perhaps this question should be asked of the chairman of the Committee on Ways and Means, and if the gentleman cannot answer it, I shall ask the gentleman from Arkansas, the chairman of the committee, why there is in this bill each year an extension of the tax on luxuries as well as on essentials? Why we do not have a bill or legislative procedure by which we can, if we desire, vote to continue the tax on nonessentials and vote against a continuation of the taxes on essentials?

Mr. DELANEY. According to the testimony before the Committee on Rules, the Chairman of the Committee on Ways and Means explained that they did not have sufficient time to cover some new taxes that will be here later, for example, the fuel tax on jets. Some of these taxes will automatically expire at the end of this year, except as relates to the transportation by air. I think the gentleman will get a full explanation in committee.

Mr. GROSS. If the gentleman will yield further, I was reading in the newspapers of the position of the Secretary of the Treasury, Mr. Dillon, who now says that next year the Kennedy administration will call for an income tax reduction. Does this bill have the approval of Mr. Dillon?

Mr. DELANEY. I understand that Mr. Dillon does approve of this bill, but that question could be better asked of the chairman of the Committee on Ways and Means, who will take the floor immediately on the adoption of the rule.

Mr. GROSS. I thank the gentleman from New York.

Mr. BROWN. Mr. Speaker, I yield myself such time as I may consume, and ask unanimous consent to revise and extend my remarks.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. BROWN. Mr. Speaker, as the gentleman from New York [Mr. DELANEY], a member of the Committee on Rules, has so ably explained, this rule does make in order, with 3 hours of general debate, the consideration of the bill H.R. 11879, under a closed or gag rule that will prevent the offering or

87TH CONGRESS
2D SESSION

H. R. 11665

IN THE SENATE OF THE UNITED STATES

JUNE 7, 1962

Read twice and referred to the Committee on Agriculture and Forestry

AN ACT

To revise the formula for apportioning cash assistance funds among the States under the National School Lunch Act, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 3 of the National School Lunch Act is amended
4 to read as follows:

5 “APPROPRIATIONS AUTHORIZED

6 “SEC. 3. For each fiscal year there is hereby authorized
7 to be appropriated, out of money in the Treasury not other-
8 wise appropriated, such sums as may be necessary to enable
9 the Secretary of Agriculture (hereinafter referred to as the

1 'Secretary') to carry out the provisions of this Act, other
2 than section 11."

3 SEC. 2. Section 4 of the National School Lunch Act is
4 amended to read as follows:

5 "APPORTIONMENTS TO STATES

6 "SEC. 4. The sums appropriated for any fiscal year
7 pursuant to the authorization contained in section 3 of this
8 Act, excluding the sum specified in section 5, shall be avail-
9 able to the Secretary for supplying agricultural commodities
10 and other foods for the program in accordance with the
11 provisions of this Act. The Secretary shall apportion
12 among the States during each fiscal year not less than
13 75 per centum of the funds made available for such year
14 for supplying agricultural commodities and other foods
15 under the provisions of section 3 of this Act. Apportion-
16 ment among the States shall be made on the basis of two
17 factors: (1) the participation rate for the State, and (2)
18 the assistance need rate for the State. The amount of ap-
19 portionment to any State shall be determined by the follow-
20 ing method: First, determine an index for the State by multi-
21 plying factors (1) and (2); second, divide this index by
22 the sum of the indices for all the States (exclusive of Ameri-
23 can Samoa for periods ending before July 1, 1967); and
24 third, apply the figure thus obtained to the total funds to be
25 apportioned. If any State cannot utilize all funds so ap-

1 portioned to it, or if additional funds are made available
2 under section 3 for apportionment among the States, the Sec-
3 retary shall make further apportionments to the remaining
4 States in the same manner. Notwithstanding the foregoing
5 provisions of this section, (1) for the fiscal year beginning
6 July 1, 1962, one-half of any funds available for appor-
7 tionment among the States shall be apportioned in the manner
8 used prior to such fiscal year, and one-half of any such funds
9 shall be apportioned in accordance with the foregoing provi-
10 sions of this section, and (2) for the five fiscal years in the
11 period beginning July 1, 1962, and ending June 30, 1967,
12 the amount apportioned to American Samoa shall be
13 \$25,000 each year, which amount shall be first deducted
14 from the funds available for apportionment in determining
15 the amounts to be apportioned to the other States.”

16 SEC. 3. (a) Section 5 of the National School Lunch Act
17 is amended by striking out the last sentence thereof.

18 (b) Section 6 of the National School Lunch Act is
19 amended by striking out “and less the amount apportioned
20 to him pursuant to sections 4, 5, and 10” and inserting in
21 lieu thereof the following: “, less the amount apportioned by
22 him pursuant to sections 4, 5, and 10, and less the amount
23 appropriated pursuant to section 11”.

24 SEC. 4. Section 10 of the National School Lunch Act
25 is amended by striking out “the same proportion of the funds

1 as the number of children between the ages of 5 and 17,
2 inclusive, attending nonprofit private schools within the State
3 is of the total number of persons of those ages within the
4 State attending school” and inserting in lieu thereof the
5 following: “an amount which bears the same ratio to such
6 funds as the number of lunches, consisting of a combination
7 of foods and meeting the minimum requirements prescribed
8 by the Secretary pursuant to section 9, served in the preced-
9 ing fiscal year by all nonprofit private schools participating
10 in the program under this Act within the State, as deter-
11 mined by the Secretary, bears to the participation rate for
12 the State”.

13 SEC. 5. Section 11 of the National School Lunch Act
14 is redesignated as section 12 and subsections (c) and (d)
15 thereof are amended to read as follows:

16 “(c) In carrying out the provisions of this Act, neither
17 the Secretary nor the State shall impose any requirement
18 with respect to teaching personnel, curriculum, instruction,
19 methods of instruction, and materials of instruction in any
20 school.

21 “(d) For the purposes of this Act—

22 “(1) ‘State’ means any of the fifty States, the Dis-
23 trict of Columbia, the Commonwealth of Puerto Rico,
24 the Virgin Islands, Guam, or American Samoa.

25 “(2) ‘State educational agency’ means, as the State

1 legislature may determine, (A) the chief State school
2 officer (such as the State superintendent of public instruc-
3 tion, commissioner of education, or similar officer), or
4 (B) a board of education controlling the State depart-
5 ment of education.

6 “(3) ‘Nonprofit private school’ means any private
7 school exempt from income tax under section 501 (c)
8 (3) of the Internal Revenue Code of 1954.

9 “(4) ‘Nonfood assistance’ means equipment used
10 by schools in storing, preparing, or serving food for
11 schoolchildren.

12 “(5) ‘Participation rate’ for a State means a num-
13 ber equal to the number of lunches, consisting of a com-
14 bination of foods and meeting the minimum requirements
15 prescribed by the Secretary pursuant to section 9, served
16 in the preceding fiscal year by schools participating in
17 the program under this Act in the State, as determined
18 by the Secretary.

19 “(6) ‘Assistance need rate’ (A) in the case of any
20 State having an average annual per capita income equal
21 to or greater than the average annual per capita income
22 for all the States, shall be 5; and (B) in the case of any
23 State having an average annual per capita income less
24 than the average annual per capita income for all the

1 States, shall be the product of 5 and the quotient obtained
2 by dividing the average annual per capita income for
3 all the States by the average annual per capita income for
4 such State, except that such product may not exceed 9
5 for any such State. For the purposes of this paragraph
6 (i) the average annual per capita income for any State
7 and for all the States shall be determined by the Secre-
8 tary on the basis of the average annual per capita income
9 for each State and for all the States for the three most
10 recent years for which such data are available and certi-
11 fied to the Secretary by the Department of Commerce;
12 and (ii) the average annual per capita income for
13 American Samoa shall be disregarded in determining the
14 average annual per capita income for all the States for
15 periods ending before July 1, 1967.

16 “(7) ‘School’ means any public or nonprofit private
17 school of high school grade or under and, with respect
18 to Puerto Rico, shall also include nonprofit child-care
19 centers certified as such by the Governor of Puerto
20 Rico.”

21 SEC. 6. The National School Lunch Act is further
22 amended by inserting immediately after section 10 thereof
23 the following new section:

1 "SPECIAL ASSISTANCE

2 "SEC. 11. (a) There is hereby authorized to be appro-
3 priated \$10,000,000 for the fiscal year ending June 30, 1963,
4 and such sums as may be necessary for the fiscal year ending
5 June 30, 1964, and each succeeding fiscal year, to provide
6 additional funds to certain schools (selected on the basis of
7 factors set forth in subsection (b)) to assist such schools to
8 serve free and reduced price lunches. From the sums appro-
9 priated pursuant to this section for any fiscal year, the Secre-
10 tary shall reserve such amount as may be necessary, but not
11 in excess of 3 per centum thereof, for apportionment to Puerto
12 Rico, the Virgin Islands, Guam, and American Samoa.
13 Such amount shall be apportioned among Puerto Rico, the
14 Virgin Islands, Guam, and American Samoa on the basis of
15 (1) the relative numbers of free and reduced price lunches
16 served during the preceding fiscal year by schools partici-
17 pating in the program under this Act in such places, (2)
18 the need of students in such places for free or reduced price
19 lunches and (3) the relative assistance need rates of such
20 places. The remaining amount of such sums appropriated
21 for any fiscal year shall be apportioned among the States
22 (other than Puerto Rico, the Virgin Islands, Guam, and
23 American Samoa) on the same bases. For purposes of this

1 section, American Samoa shall be deemed to have an assist-
2 ance need rate equal to such rate for Guam, for periods ending
3 before July 1, 1967.

4 “(b) Except as provided in subsection (c), funds appor-
5 tioned to each State under subsection (a) shall be paid to
6 selected schools in such State to assist such schools to serve
7 free and reduced price lunches. Such schools and the
8 amounts of such funds that each shall from time to time
9 receive shall be determined by the State educational agency
10 on the basis of the following factors: (1) The economic con-
11 dition of the area from which such schools draw attendance;
12 (2) the needs of pupils in such schools for free or reduced
13 price lunches; (3) the percentages of free and reduced price
14 lunches being served in such schools to their students; (4)
15 the cost of lunches in such schools as compared to the aver-
16 age cost of school lunches throughout the State; and (5) the
17 need of such schools for additional assistance as reflected by
18 the financial position of the school lunch programs in such
19 schools.

20 “(c) In the case of any State which is not permitted by
21 law to disburse funds paid to it under this section to nonprofit
22 private schools, the Secretary shall withhold from the funds
23 apportioned to such State under this section an amount which
24 bears the same ratio to such funds as the number of such free
25 and reduced price lunches served in the preceding fiscal year

1 by all nonprofit private schools participating in the program
2 under this Act in the State bears to the number of such free
3 and reduced price lunches served during such year by all
4 schools participating in the program under this Act in the
5 State. The Secretary shall select nonprofit private schools
6 in each such State and shall determine the amounts which
7 shall be paid to each such school from time to time from
8 amounts so withheld, on the basis of the same factors set
9 forth in subsection (b).”

10 SEC. 7. The amendments made by this Act shall take
11 effect on July 1, 1962.

Passed the House of Representatives June 6, 1962.

Attest:

RALPH R. ROBERTS,

Clerk.

AN ACT

To revise the formula for apportioning cash assistance funds among the States under the National School Lunch Act, and for other purposes.

JUNE 7, 1962

Read twice and referred to the Committee on
Agriculture and Forestry

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For information only;
should not be quoted
or cited)

Issued August 15, 1962
For actions of August 14, 1962
82th-2d, No. 143

CONTENTS

Appropriations.....	7,28	Food supply.....	20	Property.....	4
Budget.....	5	Foreign trade.....	12,25	Public works.....	7
Casein.....	12	Handbook.....	1	Reclamation.....	14
Civil defense.....	4	Household effects.....	11	Recreation.....	17
Coconut oil.....	12	Inventions.....	2	Reorganization.....	23
Communications.....	2	Land-grant colleges.....	22	School lunch.....	1
Electrification.....	13	Lands.....	17	Shoreline areas.....	17
Employment.....	26	Laws.....	1,15	Soviet agriculture.....	6
Expenditures.....	24	Lumber industry.....	21	Surplus property.....	27
Extension work.....	1	Oceanography.....	18	Tariffs.....	12,25
Farm labor.....	19	Parks.....	17	Textiles.....	9
Farm program.....	1,10,23	Personnel.....	11,26	Transportation.....	16
Food stamps.....	8	Political activity.....	26	Watersheds.....	3

HIGHLIGHTS: Senate subcommittee voted to report bills to revise school lunch fund apportionment formula, to revise extension service fund apportionment formula, and provide Federal-State cooperation in administration of certain Federal laws. House committee reported public works appropriation bill. Several Reps. debated merits of food stamp plan.

SENATE

1. FARM PROGRAM. The Agricultural Research and General Legislation Subcommittee of the Agriculture and Forestry Committee voted to report to the full committee the following bills: p. D724

H. R. 11665, with amendment, to revise the formula for apportioning cash assistance funds among the States under the National School Lunch Act.

S. 2998, to amend the Smith-Lever Act so as to revise the formula for apportioning funds for extension work among the States.

S. 3475, to provide further for cooperation with the States in the administration and enforcement of certain Federal laws, including laws administered by this Department.

Sen. Wiley urged this Department to prepare a simplified handbook of farm laws and programs, and inserted his letter to Secretary Freeman on the proposal.
p. 15433

2. COMMUNICATIONS. Continued debate on H. R. 11040, the communications satellite bill (pp. 15383-416, 15433-5). By a vote of 63 to 27, invoked cloture (two-thirds of the Senators present and voting having voted in the affirmative) which limits further debate on the measure to not to exceed one hour for each Senator (pp. 15383-99). By a vote of 74 to 15, tabled an amendment by Sen. Morse to give NASA greater jurisdiction over the satellite program (pp. 15400-09). By a vote of 66 to 20, tabled an amendment by Sen. Gruening to provide that the satellite corporation shall pay a royalty fee for inventions and other technology furnished by the Government and that the results of inventions furnished by the Government shall be available to the U. S. or any designee in the form of a nonexclusive royalty-free license (pp. 15413-4).
3. WATERSHEDS. Both Houses received from the Budget Bureau plans for works of improvement on the following watersheds: Big Wyacondah, Iowa; Lattas Creek and Stucker Fork, Ind.; Bee Creek and Middle Caney, Kan.; Big Muddy Creek, Ky. Bayou Folse, La.; Upper Bogue Phalia, Miss.; Big Indian Creek, Nebr.; Lower Forest River, N. Dak.; Middle Fork-Hood River, Ore.; and Kaercher Creek, Pa. (to Agriculture Committees); Brandywine Creek, Del. and Pa.; Twin Caney, Kan. Sandy Creek, Pa.; and Salando Creek and Valley Creek, Tex. (to Public Works Committees). pp. 15417, 15510
4. PROPERTY; CIVIL DEFENSE. Both Houses received from HEW a report on personal and real property disposed of to public health and educational institutions and civil defense organizations. pp. 15417, 15510
5. BUDGET. Received from the President an amendment to the budget for fiscal year 1963 for \$20,206,000 for the General Services Administration (S. Doc. 120). p. 15417
6. SOVIET AGRICULTURE. Sen. Goldwater inserted a series of articles by an Ariz. columnist describing life in Russia, including his description of life on state and collective farms. pp. 15424-33

HOUSE

7. APPROPRIATIONS. The Appropriations Committee reported H. R. 12900, the public works appropriation bill for 1963 (H. Rept. 2223). p. 15510
Passed without amendment H. R. 12870, the military construction appropriation bill for 1963. pp. 15446-54
8. FOOD STAMPS. Rep. Sullivan and Rep. Bailey commended the food stamp program (pp. 15476-7). Rep. Hall criticized the program. p. 15477
9. TEXTILES. Rep. Hemphill and Rep. Whitener discussed the plight of the textile industry in the South. pp. 15480-9, 15491-4
10. FARM PROGRAM. Rep. Johnson, Wis., inserted a statement of the National Council of Farmer Cooperatives criticizing the CED report on farm policy saying it "is unrealistic and unacceptable for many reasons." pp. 15505-7
11. PERSONNEL. Conferees were appointed on H. R. 12180, to extend for a temporary period the existing provisions of law relating to the free importation of personal and household effects brought into the U. S. under Government orders. Senate conferees have not been appointed. pp. 15444-5
12. TARIFFS. Concurred in the Senate amendment to H. R. 10928, to transfer casein or lactarene to the free list of the Tariff Act of 1930. This bill will now be sent to the President. p. 15445

Digest of CONGRESSIONAL PROCEEDINGS

OFFICE OF
BUDGET AND FINANCE

(For information only;
should not be quoted
or cited)

Issued sept. 6, 1962

For actions of Sept. 5, 1962

87th-2d, No. 159

CONTENTS

Appropriations.....8	Forestry.....1,3,4,10	Natural resources.....10
Budget.....5	Homestead entry.....2	Petrified wood.....2
Consumers.....12	Irrigation.....2	Reclamation.....7
Cooperatives.....6	Land development.....1	Research.....1
Extension work.....1	Lands.....1,2	Roads.....3
Federal laws.....1	Lumber.....11	School lunch.....1
Foreign trade.....9,11	Minerals.....2	Taxation.....6

HIGHLIGHTS: Senate committee voted to report bills for revised apportionment of school lunch and extension work funds, expanded forestry research, land development program in Alaska, and cooperation with States in administration of agricultural laws. Senate committee reported roads bill. Sen. Neuberger urged removal of Jones Act restrictions on lumber shipments to Puerto Rico. Sen. Humphrey urged discontinuance of administrative budget.

SENATE

1. AGRICULTURE AND FORESTRY COMMITTEE. The Agriculture and Forestry Committee voted to report (but did not actually report) without amendment S. 2805, to provide for a program of agricultural land development in Alaska; S. 3589, authorizing acquisition of certain lands in Wright County, Minn., for exchange for State-owned lands in Superior National Forest; S. 3475, to provide further cooperation with the States in the administration and enforcement of certain Federal laws; H. R. 9728, authorizing an increase from \$2.5 million to \$5 million in the annual appropriation under the Cooperative Forest Management Act; H. R. 12589, to revise the formula for the distribution of Federal funds for agricultural extension work; with amendment H. R. 12688, authorizing cooperation with and encouragement of the States in carrying out programs of forestry research; and H. R. 11665, to revise the formula for the apportionment among the States of funds under the National School Lunch Act. p. D808
2. INTERIOR AND INSULAR AFFAIRS COMMITTEE. The Interior and Insular Affairs Committee voted to report (but did not actually report) S. 3335, changing the name of Big Hole Battlefield National Monument to Big Hole National Battle-

field, and acquiring additional land therefor (amended); S. 3530, authorizing acquisition of land along the Delaware River for the creation of Tocks Island National Recreation Area (amended); S. 3160, to amend the act concerning homestead entry on land containing coal, oil, and gas so as to extend its provisions to the townsite laws applicable in Alaska (amended); S. J. Res. 136, to determine the susceptibility of minerals to electrometallurgical processes (amended); H. R. 9280, to give the Secretary of the Interior discretionary authority to sell certain mineral and vegetative materials on public lands by negotiation rather than by competitive bid when in the best interest of the Government; H. R. 10540, to make deposits of petrified wood disposable under the Materials Act; and H. R. 11164, to approve an amendatory repayment contract negotiated with the Quincy Columbia Basis Irrigation District. p. D809

3. ROADS. The Public Works Committee reported with amendments H. R. 12135, the proposed Federal-Aid Highway Act of 1962, which includes authorizations for forest highways and forest development roads and trails (S. Rept. 1997). p. 17425
4. FORESTRY. Sen. Neuberger stated that no domestic lumber is now being shipped to Puerto Rico because of certain restrictions of the Jones Act and that she intended to propose an amendment to the foreign trade bill to permit the Secretary of Commerce to waive Jones Act requirements with respect to such lumber shipments to Puerto Rico. p. 17427
5. BUDGET. Sen. Humphrey urged that the present administrative budget be replaced by two budgets, "the current budget covered by current revenues, and the capital budget financed largely by borrowings backed up by capital assets and by earnings from these projects," and stated that "until we scrap the obsolete accounting procedures of the Federal administrative budget, we will be unable to create the dynamism which one has a right to expect from the leader of the free world." pp. 17557-8
6. TAXATION. Continued debate on H. R. 10650, the proposed Revenue Act of 1962 (pp. 17425-7, 17440-556). Agreed to a unanimous-consent agreement that, effective Thurs., Sept. 6, further debate on the bill will be limited to four hours (p. 17516). Sen. McCarthy inserted a statement to clarify the tax status of farmers' cooperatives after Sen. Kerr assured him that "I have a positive conviction that nothing in the bill would lose to a cooperative any tax-exempt status it now has under existing law" (p. 17551).
7. RECLAMATION. The Interior and Insular Affairs Committee reported without amendment H. R. 575, to authorize construction of the upper division of the Baker reclamation project, Ore. (S. Rept. 1996). p. 17425
8. APPROPRIATIONS. The "Daily Digest" states that a subcommittee of the Appropriations Committee "marked up and agreed to report to the Subcommittee on Public Works proposed funds for the Atomic Energy Commission and the Tennessee Valley Authority embodied in H. R. 12900, fiscal 1963 appropriations for public works." p. D808
9. FOREIGN TRADE. Sen. Neuberger submitted an amendment intended to be proposed to H. R. 11970, the foreign trade bill. p. 17425
10. FORESTRY; NATURAL RESOURCES. Sen. Morse inserted his speech at the Western States Democratic Conference at Seattle, Wash., on Aug. 5, in which he discusses legislation relating to forestry, natural resource development, and other subjects. pp. 17569-70

NATIONAL SCHOOL LUNCH FUNDS

SEPTEMBER 7, 1962.—Ordered to be printed

Mr. JORDAN of North Carolina, from the Committee on Agriculture and Forestry, submitted the following

R E P O R T

[To accompany H.R. 11665]

The Committee on Agriculture and Forestry, to whom was referred the bill (H.R. 11665) to revise the formula for apportioning cash assistance funds among the States under the National School Lunch Act, and for other purposes, having considered the same, report thereon with a recommendation that it do pass with amendments.

SHORT EXPLANATION

This bill, with the committee amendments, would amend the National School Lunch Act to—

(1) Revise the formula for apportioning cash assistance funds to States to base it on the number of lunches served in the preceding year and a slightly modified assistance need factor (instead of on the number of children aged 5 to 17 and the assistance need factor);

(2) Provide for a 3-year transition to the new formula (75 percent of the funds being apportioned on the old formula and 25 percent of the new formula the first year, 50 percent being apportioned on each formula the second year; and 25 percent being apportioned on the old formula and 75 percent on the new formula the third year);

(3) Change the formula for division of State apportionments between public and private schools (where such division is required) to base it on the number of lunches served instead of the number of students; and

(4) Provide for special assistance to certain schools to help them serve free or reduced price lunches.

The committee amendments (i) make the formula for apportionment of special assistance funds more definite and (ii) provide for a 3-year

transition from the old to the new formula instead of a 1-year transition.

HEARING

Hearings were held by the subcommittee and have been printed. All witnesses, including those from the Department of Agriculture, favored enactment of the bill.

BACKGROUND INFORMATION

Federal assistance to school lunch programs began in the mid-1930's when foods acquired by the Department under the authority of section 32 were donated to schools for use in school lunch programs. In 1943, when wartime demand for food had virtually eliminated surplus-removal purchase, the Department inaugurated a new program under which section 32 funds would be used to make cash payments to schools to help them to make local purchases of food.

In the next 3 fiscal years—1944 through 1946—the authority to operate this type of cash reimbursement program with section 32 funds was provided in the annual appropriation act for the Department of Agriculture.

The National School Lunch Act was approved by the President in June 1946. It placed responsibility for the administration of the program in State educational agencies.

They select schools for participation, make agreements with participating schools, pay reimbursement claims from funds advanced to the States by the Department, and generally supervise operations in the local schools within the policies and regulations established by the Department of Agriculture. The act did provide, however, that the Department of Agriculture would continue to administer the program in private schools in those States where, by State law, the State educational agency was prohibited from disbursing funds to private schools.

The Department now administers the private school program in 28 States and in the territory of Guam.

Other major features of the National School Lunch Act were:

(a) A specific formula for the distribution of cash assistance funds among the States.

(b) Direction to the Secretary of Agriculture to determine nutritional standards for lunches served. The type A lunch established to meet these standards includes a half pint of milk, a protein-rich food, fruits, and vegetables, bread and butter or fortified margarine.

(c) Direction to the Secretary of Agriculture to establish a maximum rate of cash reimbursement for each lunch served in participating schools.

(d) A requirement that lunches be served free or at a reduced price to children unable to pay the prevailing price.

(e) A requirement that participating schools operate their lunch programs on a nonprofit basis.

(f) Section 6 of the act gave the Secretary of Agriculture authority to use a portion of the appropriation for the direct purchase of foods for distribution to participating schools.

(g) Provision was made for the continued distribution of section 32 foods to participating schools. Also, section 416 of the Agricultural

Act of 1949 provides authority to donate to school lunch programs, food commodities acquired under price support operations.

(h) The act also provided for the matching of Federal cash grants from sources within the State at a 3 to 1 ratio beginning in 1955, with downward adjustments for States having a per capita income below the national average. The value of commodities donated to schools does not have to be matched. Also, as interpreted on the basis of legislative history, children's payments for lunches are considered as part of the matching funds.

The act provides that at least 75 percent of the annual appropriation be provided to States in the form of cash payments. Up to 3½ percent can be used by the Secretary for his administrative expenses and the remaining amount, 21½ percent, may be used to make special purchases for the program as authorized by section 6.

In actual practice, more than the minimum amount is provided to the States in the form of cash payments. Federal administrative expenses last year were about 1.7 percent of the appropriation and the amount reserved for section 6 purchases has been established at approximately 15 million dollars for a number of years.

In 1962, for example, 85.7 percent of the appropriation was used for cash reimbursement, or \$12.4 million more than required under the minimum 75 percent requirement.

Since 1959, Congress has also authorized the transfer of additional sums of section 32 funds to supplement the section 6 direct procurement program. The following table shows the amount of Federal cash and commodity food assistance available to the school lunch program for this fiscal year:

<i>Fiscal year 1961-62</i>		<i>Millions of dollars</i>
Appropriation:		
Cash food assistance-----		98.6
Purchase of sec. 6 commodities-----		14.4
Special commodity funds:		
Transfer from sec. 32-----		45.0
Additional sec. 6 funds-----		10.0
Sec. 32 and sec. 416 donations this year: Estimated cost-----		111.0
Grand total-----		279.0

With respect to the additional \$10 million made available for section 6 commodity purchases, the Congress authorized that up to \$2½ million can be used to inaugurate a program of special assistance to needy schools which because of poor local economic conditions (1) have not been operating a school lunch program or (2) have been serving free or at substantially reduced prices at least 20 percent of the lunches to children.

State and local sources, exclusive of children's payments for lunches, have also provided increasingly greater support to the lunch program. At the present time, over \$250 million is coming into the program from these sources. Out of a total program cost of \$1.2 billion for last year, about 24 percent came from the Federal Government, 55 percent from children, and 21 percent from State and local sources.

Last year, 14.1 million children were participating in the program. This represents about 32.5 percent of the children enrolled in elementary and secondary schools. Almost 2.4 billion lunches were served to these children and 1 out of 10 of these lunches was served free or at reduced prices to children who could not afford to pay the full price of the lunch.

THE APPORTIONMENT FORMULA

The formula under which cash assistance funds are now apportioned among the States and territories involves two factors: (1) The school-age population in each State—A measure of the maximum potential size of the program; and (2) the relationship of each State's per capita income to national per capita income—a measure of the relative need of the various States for Federal assistance.

The act provides that States shall use these funds to reimburse participating schools on the basis of the number of lunches served. The maximum allowable payment of 9 cents for a type A lunch has been established by Department regulations, but, last year, the national average Federal cash assistance rate was approximately 4.2 cents.

Because the program has grown faster in some States than in others in actual practice the average per-meal rates of cash assistance any State is able to pay to its participating schools out of its share of the available cash funds, tends to be related more to the rate of program growth than to need, as measured by the per capita income of a State. In other words, the States share in the cash funds on the basis of the number of school-age children in the State, adjusted by relative need. However, they disburse the funds to schools on the basis of the number of lunches served to those children who are actually participating in the program.

Thus, a higher income State with below average participation may be able to reimburse its schools with a higher average per meal payment out of its share of the funds than can a lower income State with above average participation.

Likewise, the act now provides that when a State's share of the cash assistance funds must be divided between the public and private schools, such a division be based upon the relative number of children attending school in each type of school within the State. Here, too, variations in the rate of school lunch growth can result in differences within a State in the average rate of payment that can be provided to public schools by the State and to private schools by the Department. This is a problem, of course, only in those States where it is necessary for the Department to administer the program in private schools.

The bill would take differences in the rate of program growth into account by substituting the factor of participation in the apportionment formula for the number of school-age children. The cash assistance funds would be apportioned among the States on the basis of the number of type A lunches served in each State in the preceding year, with below-average-income States receiving relatively more assistance per meal than average-or above-average-income States.

In the proposed formula, the lower income States would be provided with a larger per meal allowance by applying a value of five to each lunch served in average or above-average income States and a higher value, up to a maximum of nine, in below-average income States.

The same factor of participation—as measured by the number of type A meals served in the preceding year—would be used to divide funds between public and private schools within a State whenever such a division is necessary. This would result in the same average per meal rates of assistance for public schools and private schools, in

those States in which the program in private schools, because of State law, is directly administered by the U.S. Department of Agriculture.

Currently, those States which have been most successful in extending the program to more schools and to more children have found themselves in the position of having to spread available cash funds thinner and thinner as the number of type A lunches steadily increased. This, necessarily, has served to impede further development of the program. The proposed formula will provide an equitable basis for the division of the amount of cash assistance funds that the Congress annually will make available under the regular appropriation process.

SECTION-BY-SECTION EXPLANATION

Section 1. Nonsubstantive technical amendments

Section 1 makes no substantive change. It amends section 3 of the act to (1) eliminate language making 1947 the initial year for which appropriations are authorized, and (2) restrict appropriations authorized by section 3 of the act to the purposes for which they are now authorized (excluding the new purposes for which separate appropriations are authorized by new sec. 11 of the act).

Section 2. Revision of the apportionment formula

Section 2 revises the formula for apportioning cash food assistance funds among the States, substituting past program participation for the present school-age-children factor, and putting upper and lower limits on the assistance need factor. At present such funds are apportioned to each State on the basis of (1) the number of children in the State between the ages of 5 and 17, inclusive, multiplied by (2) the ratio of the per capita income of the United States to the per capita income of the State. Under the bill such funds would be apportioned on the basis of (1) the number of type A lunches (those meeting the requirements of sec. 9 of the act) served in the preceding year, multiplied by (2) the assistance need rate. For States having an average per capita income at least equal to the national average, the assistance need rate would be 5. For all other States the assistance need rate would be 5 multiplied by the ratio of the national average per capita income to the State average per capita income, but in no event more than 9. Thus, the assistance need rate for States having higher than average per capita incomes cannot be less than 5 and the assistance need rate for States having low per capita incomes cannot be in excess of 9. The use of minimum and maximum factors of 5 and 9 grew out of proposals to establish minimum and maximum cash assistance rates of 5 cents and 9 cents per meal. The actual assistance rate per meal would, of course, depend on the total amount to be apportioned and the actual number of lunches served, as well as the past participation rate and the assistance need rate, so that the bill does not establish minimum and maximum cash assistance rates.

For the fiscal years beginning in 1962, 1963, and 1964 transitional formulas would be used. The first year three-quarters of the funds would be apportioned under the old formula and one-quarter would be apportioned under the new formula provided by the bill. The second year one-half would be apportioned under each formula. The third year one-quarter would be apportioned under the old formula and three-quarters would be apportioned under the new formula. The new formula would then become fully effective with the fiscal

year beginning July 1, 1965. As passed by the House, the bill provided for a 1-year transition period.

At present apportionments to Puerto Rico, Guam, and the Virgin Islands are limited to 3 percent of the total fund to be apportioned, except that the apportionment to each shall not be less than an amount which will result in an allotment per child of school age equal to that for the State (other than Puerto Rico, Guam, and the Virgin Islands) having the lowest per capita income. Under this formula it has been necessary to increase the total apportionment to these possessions above the 3 percent limit in order to raise the per child allotment for Puerto Rico and the Virgin Islands to that of the State having the lowest per capita income. In view of the changes in the general apportionment formula substituting a participation rate factor for the school-age children factor and limiting the maximum assistance need factor to 9, the bill strikes out the special apportionment formula in existing law for Puerto Rico, Guam, and the Virgin Islands, so that the new apportionment formula would be applicable to these possessions in the same manner as to the other States.

American Samoa, which would be made eligible for assistance under the act, would not be covered by the apportionment formula applicable to other States until the fiscal year beginning July 1, 1967. It would be apportioned \$25,000 for each of the 5 fiscal years prior to July 1, 1967.

The definition of "schoolchildren" is deleted from section 4 of the act, since that term would be dropped from the apportionment formula. The definition of "school" is transferred unchanged to section 12 of the act (the definition section, as renumbered). The provision of section 4 of the act providing for the use of the latest per capita income figures certified by the Department of Commerce is transferred to section 12 and amended to provide for determination on the basis of the 3 most recent years for which data are available and certified by the Department of Commerce.

Since section 5 of the act provides for apportionment of nonfood cash assistance funds in the same manner as cash food assistance funds, the changes made in section 4 of the act by the bill would also change the nonfood assistance apportionment formula in the same manner. However, appropriation acts consistently prohibit the use of any funds for nonfood assistance, so that the change in the nonfood assistance apportionment formula is of little significance.

Other changes made in section 4 of the act by section 2 of the bill are of an editorial nature and have no substantive significance.

The following table 1 was prepared by the Department of Agriculture to illustrate the effect of the proposed changes in the apportionment formula after it becomes fully effective following the transition period. The illustration uses a cash assistance fund of \$98.6 million which was the amount apportioned for fiscal 1962.

TABLE 1.—*Payments to States under present formula for apportionment and under proposed formula when proposed formula is fully effective*

[Thousands of dollars]

State	With a cash assistance fund of \$98,600,000		State	With a cash assistance fund of \$98,600,000	
	Present method	Proposed method		Present method	Proposed method
Alabama.....	2,779	3,241	Nebraska.....	734	714
Alaska.....	92	60	Nevada.....	106	76
Arizona.....	807	822	New Hampshire.....	313	269
Arkansas.....	1,582	2,053	New Jersey.....	2,325	1,209
California.....	6,143	4,376	New Mexico.....	697	659
Colorado.....	873	926	New York.....	5,834	6,070
Connecticut.....	926	833	North Carolina.....	3,598	5,364
Delaware.....	159	186	North Dakota.....	430	559
District of Columbia.....	215	89	Ohio.....	4,569	3,738
Florida.....	2,671	3,605	Oklahoma.....	1,406	1,448
Georgia.....	2,988	4,485	Oregon.....	893	938
Guam.....	72	54	Pennsylvania.....	5,257	3,757
Hawaii.....	354	677	Puerto Rico.....	3,690	2,657
Idaho.....	465	460	Rhode Island.....	395	180
Illinois.....	3,977	3,079	South Carolina.....	2,270	3,343
Indiana.....	2,402	2,295	South Dakota.....	426	372
Iowa.....	1,567	2,078	Tennessee.....	2,686	3,044
Kansas.....	1,161	1,185	Texas.....	5,820	4,077
Kentucky.....	2,342	2,966	Utah.....	604	650
Louisiana.....	2,501	4,491	Vermont.....	237	172
Maine.....	580	532	Virginia.....	2,460	2,663
Maryland.....	1,455	1,222	Virgin Islands.....	38	64
Massachusetts.....	2,079	1,935	Washington.....	1,392	1,330
Michigan.....	3,858	2,423	West Virginia.....	1,366	1,236
Minnesota.....	1,910	2,349	Wisconsin.....	2,063	1,765
Mississippi.....	2,403	2,966	Wyoming.....	175	191
Missouri.....	2,049	2,376			
Montana.....	406	291	Total.....	98,600	98,600

NOTE.—Cash assistance under proposed formula based on estimated number of meals served in fiscal year 1962 and on average per capita income of latest 3 years available—1958, 1959, and 1960.

The number of children participating in the program in fiscal year 1962 is set out in the following table 2:

TABLE 2.—*Number of children participating, fiscal year 1962*¹

State	Number of children	State	Number of children
Alabama.....	363,582	Nebraska.....	117,818
Alaska.....	9,345	Nevada.....	12,473
Arizona.....	121,125	New Hampshire.....	43,364
Arkansas.....	211,534	New Jersey.....	193,356
California.....	698,885	New Mexico.....	87,644
Colorado.....	160,304	New York.....	972,889
Connecticut.....	136,339	North Carolina.....	593,261
Delaware.....	30,000	North Dakota.....	77,083
District of Columbia.....	15,644	Ohio.....	653,207
Florida.....	512,004	Oklahoma.....	208,823
Georgia.....	503,460	Oregon.....	152,153
Guam.....	2,250	Pennsylvania.....	668,255
Hawaii.....	116,310	Puerto Rico.....	238,765
Idaho.....	69,360	Rhode Island.....	33,716
Illinois.....	454,781	South Carolina.....	332,526
Indiana.....	409,311	South Dakota.....	53,677
Iowa.....	310,569	Tennessee.....	385,442
Kansas.....	177,775	Texas.....	685,012
Kentucky.....	379,672	Utah.....	113,275
Louisiana.....	593,401	Vermont.....	34,085
Maine.....	75,452	Virginia.....	374,743
Maryland.....	201,303	Virgin Islands.....	6,464
Massachusetts.....	335,991	Washington.....	226,279
Michigan.....	409,644	West Virginia.....	179,196
Minnesota.....	372,243	Wisconsin.....	296,644
Mississippi.....	280,560	Wyoming.....	31,121
Missouri.....	389,108		
Montana.....	51,545	Total.....	14,162,773

¹ Preliminary.

Table 3, with the explanation following it, illustrates the factors used in the proposed apportionment formula and the manner in which they would be applied.

TABLE 3.—*Formula for apportionment of funds under H.R. 11665 after it becomes fully effective*

State	Participation rate ¹	Per capita income ²	Per capita income index	Assistance need rate	Adjusted participation rate (in 100 units)	State's share (percent)
	(1)	(2)	(3)	(4)	(5)	(6)
Alabama.....	60,518,000	\$1,420	1.51761	7.6	4,599,368	3.28706
Alaska.....	1,689,000	2,575	.83689	5.0	84,450	.06035
Arizona.....	20,833,000	1,918	1.12357	5.6	1,166,648	.83378
Arkansas.....	35,101,000	1,305	1.65134	8.3	2,913,383	2.08213
California.....	124,194,000	2,644	.81505	5.0	6,209,700	4.43792
Colorado.....	26,289,000	2,180	.98853	5.0	1,314,450	.93941
Connecticut.....	23,641,000	2,782	.77462	5.0	1,182,050	.84478
Delaware.....	5,284,000	3,001	.71809	5.0	264,200	.18882
District of Columbia.....	2,538,000	2,883	.74749	5.0	126,900	.09069
Florida.....	89,740,000	1,905	1.13123	5.7	5,115,180	3.65570
Georgia.....	90,914,000	1,549	1.39122	7.0	6,363,980	4.54818
Guam.....	1,348,000	1,897	1.13600	5.7	76,836	.05491
Hawaii.....	18,480,000	2,062	1.04510	5.2	960,960	.68678
Idaho.....	10,872,000	1,792	1.20257	6.0	652,320	.46620
Illinois.....	87,394,000	2,565	.84016	5.0	4,369,700	3.12292
Indiana.....	63,856,000	2,096	1.02815	5.1	3,256,656	2.32745
Iowa.....	53,605,000	1,958	1.10061	5.5	2,948,275	2.10706
Kansas.....	31,146,000	1,998	1.07858	5.4	1,681,884	1.20200
Kentucky.....	58,454,000	1,505	1.43189	7.2	4,208,688	3.00785
Louisiana.....	95,128,000	1,601	1.34603	6.7	6,373,576	4.55504
Maine.....	12,589,000	1,806	1.19324	6.0	755,340	.53982
Maryland.....	34,694,000	2,328	.92569	5.0	1,734,700	1.23975
Massachusetts.....	54,906,000	2,445	.88139	5.0	2,745,300	1.96200
Michigan.....	68,774,000	2,260	.95354	5.0	3,438,700	2.45756
Minnesota.....	61,724,000	1,997	1.07912	5.4	3,333,096	2.38208
Mississippi.....	46,772,000	1,147	1.87881	9.0	4,209,480	3.00842
Missouri.....	67,444,000	2,137	1.00842	5.0	3,372,200	2.41003
Montana.....	7,641,000	1,998	1.07858	5.4	412,614	.29489
Nebraska.....	19,120,000	2,034	1.05949	5.3	1,013,360	.72422
Nevada.....	2,168,000	2,708	.79579	5.0	108,400	.07747
New Hampshire.....	7,060,000	1,998	1.07858	5.4	381,240	.27246
New Jersey.....	34,320,000	2,592	.83140	5.0	1,716,000	1.22638
New Mexico.....	15,324,000	1,773	1.21545	6.1	934,764	.66805
New York.....	172,292,000	2,712	.79462	5.0	8,614,600	6.15665
North Carolina.....	105,718,000	1,503	1.43380	7.2	7,611,696	5.43990
North Dakota.....	12,581,000	1,697	1.26989	6.3	792,603	.56645
Ohio.....	106,096,000	2,272	.94850	5.0	5,304,800	3.79121
Oklahoma.....	34,259,000	1,799	1.19789	6.0	2,055,540	1.46905
Oregon.....	26,622,000	2,166	.99492	5.0	1,331,100	.95131
Pennsylvania.....	106,638,000	2,205	.97732	5.0	5,331,900	3.81058
Puerto Rico.....	41,889,000	498	4.32731	9.0	3,770,010	2.69434
Rhode Island.....	5,022,000	2,125	1.01412	5.1	256,122	.18304
South Carolina.....	58,562,000	1,326	1.62519	8.1	4,743,522	3.39008
South Dakota.....	8,375,000	1,703	1.26541	6.3	527,625	.37708
Tennessee.....	59,992,000	1,505	1.43189	7.2	4,319,424	3.08699
Texas.....	101,502,000	1,897	1.13600	5.7	5,785,614	4.13484
Utah.....	15,905,000	1,854	1.16235	5.8	922,490	.65928
Vermont.....	4,061,000	1,796	1.19989	6.0	243,660	.17414
Virginia.....	62,987,000	1,790	1.20391	6.0	3,779,220	2.70092
Virgin Islands.....	1,014,000	607	3.55025	9.0	91,260	.06522
Washington.....	37,744,000	2,245	.95991	5.0	1,887,200	1.34874
West Virginia.....	26,584,000	1,632	1.32047	6.6	1,754,544	1.25393
Wisconsin.....	48,181,000	2,089	1.03159	5.2	2,505,412	1.79056
Wyoming.....	5,416,000	2,179	.98899	5.0	270,800	.19353
Total.....	2,375,000,000	2,155	-----	-----	139,923,540	100.00000

¹ Estimated number of meals served for fiscal year 1962.

² Average of 3 years—1953, 1959, and 1960 (U.S. average \$2,155). For Guam, Puerto Rico, and Virgin Islands, 1957, 1958, and 1960 used.

Explanation of apportionment formula.—The apportionment formula contained in H.R. 11665 is designed to provide an equitable distribution of cash food assistance funds appropriated, pursuant to section 4 of the act, among the States (including the territories eligible for assistance under the National School Lunch Act). Under the proposed

formula, each State's share of the available cash assistance funds is determined on the basis of two factors: (1) Its participation rate, which is the number of type A meals served in the State during the preceding fiscal year; and (2) its assistance need rate, which is a measurement of the relationship of the average per capita income of the United States to the average per capita income of each State.

The application of these two factors results in division of funds which provides relatively larger per meal payments to States and territories with per capita income below the national average. The specific steps taken to calculate each State's share are as follows:

(1) The number of type A meals served in each State under the program during the preceding fiscal year, which is the participation rate, is taken from monthly reports submitted to the Department by each State educational agency.

(2) The Department of Commerce certifies to the Department of Agriculture per capita income data for the United States and for each of the States.

(3) The per capita income of the United States is then related to the per capita income of each State to provide a measure of the relative need for assistance of the various States. This relative need for assistance is expressed as a value, or weight, ranging between 5 and 9, which is the assistance need rate.

Each State with a per capita income equal to or in excess of the per capita income of the United States is assigned a value, or weight, of 5. States with a per capita income less than the per capita income of the United States are assigned a value, or weight in excess of 5, up to a maximum of 9, depending upon the relationship of U.S. per capita income to the per capita income of such States.

For example, the per capita income of the United States is \$2,155 (average for the 3 years 1958, 1959, and 1960). For the same 3-year period, the per capita income of Alaska was above the average for the United States—\$2,575. Alaska is accordingly assigned a value, or weight, of 5. U.S. income was 1.51761 times the per capita income of Alabama—\$2,155 compared with \$1,420. Alabama, therefore, is assigned a value, or weight, of 7.6 (5 times 1.51761).

The resulting values of 5 to 9 (the assistance need rate) is then applied to the number of type A meals served (the participation rate) to adjust the number of meals served in each State so as to reflect the relative need of each State. The adjusted participation rate for all of the States is totaled to obtain an adjusted participation rate for the United States.

(4) A percentage distribution is then calculated to determine what percentage of the U.S. adjusted participation rate is to be assigned to each of the States. This percentage factor in turn is applied to the total amount of money available to determine the amount of money to be received by each State. A table is attached showing in detail the calculations made in order to arrive at each State's share of available funds.

(5) Because American Samoa will not have previously served type A meals under the program, a special reserve of \$25,000 is established under H.R. 11665 for each of the first 5 fiscal years it would participate. Thereafter, it would receive funds on the same basis as other States and territories.

Section 3. Nonsubstantive technical amendments

Section 3 makes no substantive change. Subsection (a) strikes from section 5 of the act a reference to a sentence of section 4 of the act, which would be repealed by section 2 of the bill. Subsection (b) amends section 6 to make it clear that special assistance funds appropriated pursuant to new section 11 would not be available for direct expenditure by the Secretary for agricultural commodities and other foods.

Section 4. Revision of private school apportionment formula

Section 4 amends section 10 of the act, which provides for direct disbursement by the Secretary of Agriculture of funds for school lunch programs in nonprofit private schools which are located in States where the State educational agency is not permitted by law to disburse funds to nonprofit private schools or in States which cannot match Federal funds made available for nonprofit private schools. In the case of such States, section 10, as now in effect, reserves from a State's total apportionment for such disbursement an amount based on relative numbers of students attending nonprofit private schools and public schools. As amended by the bill, the amount available for disbursement by the Secretary to nonprofit private schools in such a State from the State's apportionment for any fiscal year would be determined on the basis of the relative numbers of school lunches served under the act in the preceding fiscal year by nonprofit private schools and by public schools in such State. Only type A lunches would be used for the purpose of determining the numbers of lunches served by both categories of schools.

Section 5. Miscellaneous and definitions

Section 5 redesignates section 11 of the act as section 12 and amends subsections (c) and (d) thereof. The only change made in subsection (c) is to omit the last sentence, which requires just and equitable distribution of funds in States maintaining separate schools for minority and majority races.

The following changes are made in subsection (d), which contains definitions of terms used in the act:

(1) The term "State" is redefined to give recognition to Alaskan and Hawaiian statehood and extend the act to American Samoa.

(2) "State educational agency" is redefined to exclude language which was effective by its terms only through June 30, 1948, and to exclude a special exception applicable to the District of Columbia. The special circumstances which required the latter exception no longer exist.

(3) The definition of "nonprofit private school" has been amended to refer to the Internal Revenue Code of 1954, instead of to the corresponding provision of the 1939 Internal Revenue Code.

(4) "Nonfood assistance" is redefined to include equipment used by schools off the school premises. It is now limited to equipment used on school premises.

(5) "Participation rate" and "assistance need rate" are new definitions used in carrying out the new apportionment formula described in the explanation of section 2.

(6) The definition of "school" now contained in section 4 of the act would be transferred to section 12(d).

Section 6. Special assistance for free and reduced price lunches

Section 6 authorizes the appropriation of \$10 million for the fiscal year ending June 30, 1963, and such sums as may be necessary for subsequent fiscal years to assist certain schools in serving free or reduced price lunches.

The authorization for special assistance funds would be contained in a new section 11 of the National School Lunch Act. Section 11, as it passed the House, would be amended to provide a more specific formula for special assistance funds. As amended by the committee, section 11 provides for a flat 3 percent of such funds being apportioned to Puerto Rico, the Virgin Islands, Guam, and American Samoa on the sole basis of the number of free or reduced price lunches served during the preceding year, except that American Samoa would receive \$5,000 the first year. Of the remaining 97 percent, at least half would be apportioned among the remaining States on the basis of the number of free or reduced price lunches served in the preceding year multiplied by the assistance need factor. The balance of the funds, plus any initially apportioned funds which could not be used, would be apportioned on the same basis to States justifying a need for further funds. The need factor set out in clause (2) of section 11(a) as the bill passed the House is omitted from the amendment, since it cannot be precisely determined and applied in an arithmetical formula. In lieu of it, a two-step apportionment is proposed with the second step limited to those States that, from their use of the funds first apportioned, demonstrate a need for further funds. Distribution of State apportionments to public and private schools would be generally as provided by the bill as passed by the House.

The Department suggested a revision of section 11 at the hearing and the committee amendment contains further modifications worked out with the help of the Department.

Section 7. Effective date

Section 7 makes the amendments made by the act effective July 1, 1962.

STUDY OF SCHOOL LUNCH FACILITIES

An additional amendment was proposed in subcommittee by Senator Hart, which would have authorized an experimental 3-year program to extend the school lunch program to schools in urban areas which, because of inadequate facilities, are currently unable to participate fully in the program. The subcommittee recommended instead that the Secretary of Agriculture be requested to study the situation with regard to nonparticipation of such schools in the school lunch program, because of inadequate facilities with a view to developing methods of making participation in the program available to these schools, and the committee concurs in that recommendation.

In many of the heavily built up urban areas schools were built years ago when the children went home for lunch. There is now little or no opportunity for expansion to provide cafeteria facilities, and, consequently, little opportunity for these schools to participate in the program, although they are frequently in poorer areas where opportunity to participate in the program is most needed. It is hoped that the study may develop some way of making the program available in these areas where it is so badly needed, such as through the setting up of central food preparation and distribution facilities, or otherwise.

The following table gives some idea of the participation in large cities:

Participation in the national school lunch program by children in schools located in a sample of large U.S. cities

City	Average daily attendance in elementary and secondary schools	Number of children participating in the national school lunch program	Percent of total attendance participating ¹
Miami.....	166,935	102,718	61.5
Philadelphia.....	241,966	11,585	4.7
Boston.....	132,135	14,896	11.2
Detroit.....	288,113	28,766	9.9
Chicago.....	299,552	49,611	16.5
Cleveland.....	139,959	(2)	(2)
San Francisco.....	86,253	14,802	17.1
Portland.....	68,849	15,665	22.7

¹ A large portion of the participation in most of the large cities is in the junior and senior high schools which, because they serve wide areas, are usually equipped with food service facilities. The relatively low participation percentages for certain cities reflect the lack of food preparation facilities in the elementary schools which generally serve neighborhood areas.

² 34 out of the 130 elementary schools in Cleveland have lunch programs but none of these schools participate in the national school lunch program. Therefore, information on participation is not available.

The committee requests the study be completed and the report be submitted as soon as possible after January 1, 1963.

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

NATIONAL SCHOOL LUNCH ACT

AN ACT To provide assistance to the States in the establishment, maintenance, operation, and expansion of school-lunch programs, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National School Lunch Act."

DECLARATION OF POLICY

SEC. 2. It is hereby declared to be the policy of Congress, as a measure of national security, to safeguard the health and well-being of the Nation's children and to encourage the domestic consumption of nutritious agricultural commodities and other food, by assisting the States, through grants-in-aid and other means, in providing an adequate supply of foods and other facilities for the establishment, maintenance, operation, and expansion of nonprofit school-lunch programs.

APPROPRIATIONS AUTHORIZED

SEC. 3. For each fiscal year [, beginning with the fiscal year ending June 30, 1947,] there is hereby authorized to be appropriated, out of money in the Treasury not otherwise appropriated, such sums as may

be necessary to enable the Secretary of Agriculture (hereinafter referred to as the "Secretary") to carry out the provisions of this Act, *other than section 11.*

APPORTIONMENTS TO STATES

SEC. 4. The sums appropriated for any fiscal year pursuant to the authorization contained in section 3 of this Act, excluding the sum specified in section 5, shall be available to the Secretary for supplying [, during such fiscal year,] agricultural commodities and other foods for the [school-lunch] program in accordance with the provisions of this Act. The Secretary shall apportion among the States during each fiscal year not less than 75 per centum of the [aforesaid] funds made available for such year for supplying agricultural commodities and other foods under the provisions of section 3 of this Act. [The total of such apportionments of funds for use in Puerto Rico, Guam, and the Virgin Islands shall not exceed 3 per centum of the funds appropriated for agricultural commodities and other foods for the school-lunch program; except that in the case of the first apportionments of funds from any annual or supplemental appropriation (and only in such case), the apportionment for Puerto Rico, the apportionment for Guam, and the apportionment for the Virgin Islands, shall be not less than that amount which will result in an allotment per child of school age equal to the allotment per child of school age in the State (other than Puerto Rico, Guam, and the Virgin Islands) having the lowest per capita income among the States participating in such first apportionments. Apportionment among the States shall be made on the basis of two factors: (1) The number of school children in the State and (2) the need for assistance in the State as indicated by the relation of the per capita income in the United States to the per capita income in the State.] *Apportionment among the States shall be made on the basis of two factors: (1) the participation rate for the State, and (2) the assistance need rate for the State.* The amount of [the initial] apportionment to any State shall be determined by the following method: First, determine an index for the State by multiplying factors (1) and (2); second, divide this index by the sum of the indices for all the States (*exclusive of American Samoa for periods ending before July 1, 1967*); and [, finally,] third, apply the figure thus obtained to the total funds to be apportioned. [For the purpose of this section, the number of school children in the State shall be the number of children therein between the ages of five and seventeen, inclusive; such figures and per capita income figures shall be the latest figures certified by the Department of Commerce. For the purposes of this Act, "school" means any public or nonprofit private school of high-school grade or under and, with respect to Puerto Rico, shall also include nonprofit child-care centers certified as such by the Governor of Puerto Rico.] If any State cannot utilize all funds so apportioned to it, or if additional funds are [available under this Act] *made available under section 3* for apportionment among the States, the Secretary shall make further apportionments to the remaining States in the same manner. *Notwithstanding the foregoing provisions of this section, (1) for the fiscal year beginning July 1, 1962, three-quarters of any funds available for apportionment among the States shall be apportioned in the manner used prior to such fiscal year, and one-quarter of any such funds shall be apportioned in accordance with the foregoing sentences of this section, (2) for*

the fiscal year beginning July 1, 1963, one-half of any funds available for apportionment among the States shall be apportioned in the manner used prior to the fiscal year beginning July 1, 1962, and one-half of any such funds shall be apportioned in accordance with the foregoing sentences of this section, (3) for the fiscal year beginning July 1, 1964, one-quarter of any funds available for apportionment among the States shall be apportioned in the manner used prior to the fiscal year beginning July 1, 1962, and three-quarters of any such funds shall be apportioned in accordance with the foregoing sentences of this section, and (4) for the five fiscal years in the period beginning July 1, 1962, and ending June 30, 1967, the amount apportioned to American Samoa shall be \$25,000 each year, which amount shall be first deducted from the funds available for apportionment in determining the amounts to be apportioned to the other States.

NONFOOD ASSISTANCE

SEC. 5. Of the sums appropriated for any fiscal year pursuant to the authorization contained in section 3 of this Act, \$10,000,000 shall be available to the Secretary for the purpose of providing, during such fiscal year, nonfood assistance for the school-lunch program pursuant to the provisions of this Act. The Secretary shall apportion among the States during each fiscal year the aforesaid sum of \$10,000,000, and such apportionment among the States shall be on the basis of the factors, and in accordance with the standards, set forth in section 4 with respect to the apportionment for agricultural commodities and other foods. [Apportionments of funds for use in Puerto Rico, Guam, and the Virgin Islands for nonfood assistance shall be determined subject to the provisions of the third sentence of section 4.]

DIRECT FEDERAL EXPENDITURES

SEC. 6. The funds appropriated for any fiscal year for carrying out the provisions of this Act, less not to exceed 3½ per centum thereof hereby made available to the Secretary for his administrative expenses [and less], less the amount apportioned by him pursuant to sections 4, 5, and 10, and less the amount appropriated pursuant to section 11, shall be available to the Secretary during such year for direct expenditure by him for agricultural commodities and other foods to be distributed among the States and schools participating in the school-lunch program under this Act in accordance with the needs as determined by the local school authorities. The provisions of law contained in the proviso of the Act of June 28, 1937 (50 Stat. 323), facilitating operations with respect to the purchase and disposition of surplus agricultural commodities under section 32 of the Act approved August 24, 1935 (49 Stat. 774), as amended, shall, to the extent not inconsistent with the provisions of this Act, also be applicable to expenditures of funds by the Secretary under this Act.

PAYMENTS TO STATES

SEC. 7. Funds apportioned to any State pursuant to section 4 or 5 during any fiscal year shall be available for payment to such State for disbursement by the State educational agency, in accordance with such agreements not inconsistent with the provisions of this Act, as may be entered into by the Secretary and such State educational

agency, for the purpose of assisting schools of that State during such fiscal year, in supplying (1) agricultural commodities and other foods for consumption by children and (2) nonfood assistance in furtherance of the school-lunch program authorized under this Act. Such payments to any State in any fiscal year during the period 1947 to 1950, inclusive, shall be made upon condition that each dollar thereof will be matched during such year by \$1 from sources within the State determined by the Secretary to have been expended in connection with the school-lunch program under this Act. Such payments in any fiscal year during the period 1951 to 1955, inclusive, shall be made upon condition that each dollar thereof will be so matched by one and one-half dollars; and for any fiscal year thereafter, such payments shall be made upon condition that each dollar will be so matched by \$3. In the case of any State whose per capita income is less than the per capita income of the United States, the matching required for any fiscal year shall be decreased by the percentage which the State per capita income is below the per capita income of the United States. For the purpose of determining whether the matching requirements of this section and section 10, respectively, have been met, the reasonable value of donated services, supplies, facilities, and equipment as certified, respectively, by the State educational agency and in case of schools receiving funds pursuant to section 10, by such schools (but not the cost or value of land, of the acquisition, construction, or alteration of buildings of commodities donated by the Secretary, or of Federal contributions), may be regarded as funds from sources within the State expended in connection with the school-lunch program. The Secretary shall certify to the Secretary of the Treasury from time to time the amounts to be paid to any State under this section and the time or times such amounts are to be paid; and the Secretary of the Treasury shall pay to the State at the time or times fixed by the Secretary the amounts so certified.

STATE DISBURSEMENT TO SCHOOLS

SEC. 8. Funds paid to any State during any fiscal year pursuant to section 4 or 5 shall be disbursed by the State educational agency, in accordance with such agreements approved by the Secretary as may be entered into by such State agency and the schools in the State, to those schools in the State which the State educational agency, taking into account need and attendance, determines are eligible to participate in the school-lunch program. Such disbursement to any school shall be made only for the purpose of reimbursing it for the cost of obtaining agricultural commodities and other foods for consumption by children in the school-lunch program and nonfood assistance in connection with such program. Such food costs may include, in addition to the purchase price of agricultural commodities and other foods, the cost of processing, distributing, transporting, storing, or handling thereof. In no event shall such disbursement for food to any school for any fiscal year exceed an amount determined by multiplying the number of lunches served in the school in the school-lunch program under this Act during such year by the maximum Federal food-cost contribution rate for the State, for the type of lunch served, as prescribed by the Secretary.

NUTRITIONAL AND OTHER PROGRAM REQUIREMENTS

SEC. 9. Lunches served by schools participating in the school-lunch program under this Act shall meet minimum nutritional requirements prescribed by the Secretary on the basis of tested nutritional research. Such meals shall be served without cost or at a reduced cost to children who are determined by local school authorities to be unable to pay the full cost of the lunch. No physical segregation of or other discrimination against any child shall be made by the school because of his inability to pay. School-lunch programs under this Act shall be operated on a nonprofit basis. Each school shall, insofar as practicable, utilize in its lunch program commodities designated from time to time by the Secretary as being in abundance, either nationally or in the school area, or commodities donated by the Secretary. Commodities purchased under the authority of section 32 of the Act of August 24, 1935 (49 Stat. 774), as amended, may be donated by the Secretary to schools, in accordance with the needs as determined by local school authorities, for utilization in the school-lunch program under this Act as well as to other schools carrying out nonprofit school-lunch programs and institutions authorized to receive such commodities.

NONPROFIT PRIVATE SCHOOLS

SEC. 10. If, in any State, the State educational agency is not permitted by law to disburse the funds paid to it under this Act to nonprofit private schools in the State, or is not permitted by law to match Federal funds made available for use by such nonprofit private schools, the Secretary shall withhold from the funds apportioned to any such State under sections 4 and 5 of this Act [the same proportion of the funds as the number of children between the ages of five and seventeen, inclusive, attending nonprofit private schools within the State is of the total number of persons of those ages within the State attending school] *an amount which bears the same ratio to such funds as the number of lunches, consisting of a combination of foods and meeting the minimum requirements prescribed by the Secretary pursuant to section 9, served in the preceding fiscal year by all nonprofit private schools participating in the program under this Act within the State, as determined by the Secretary, bears to the participation rate for the State.* The Secretary shall disburse the funds so withheld directly to the nonprofit private schools within said State for the same purposes and subject to the same conditions as are authorized or required with respect to the disbursements to schools within the State by the State educational agency, including the requirement that any such payment or payments shall be matched, in the proportion specified in section 7 for such State, by funds from sources within the State expended by nonprofit private schools within the State participating in the school-lunch program under this Act. Such funds shall not be considered a part of the funds constituting the matching funds under the terms of section 7.

SPECIAL ASSISTANCE

SEC. 11. (a) *There is hereby authorized to be appropriated \$10,000,000 for the fiscal year ending June 30, 1963, and such sums as may be necessary for each succeeding fiscal year to provide special assistance to*

schools drawing attendance from areas in which poor economic conditions exist, for the purpose of helping such schools to meet the requirement of section 9 of this Act concerning the service of lunches to children unable to pay the full cost of such lunches.

(b) Of the sums appropriated pursuant to this section for any fiscal year, 3 per centum shall be available for apportionment to Puerto Rico, the Virgin Islands, Guam, and American Samoa. From the funds so available the Secretary shall apportion to each such State an amount which bears the same ratio to the total of such funds as the number of free or reduced-price lunches served in accordance with section 9 of this Act in such State in the preceding fiscal year bears to the total number of such free or reduced-price lunches served in all such States in the preceding fiscal year: Provided, That for the fiscal year ending June 30, 1963, \$5,000 shall be apportioned to American Samoa, which amount shall be first deducted from the total amount available for apportionment under this subsection. If any such State cannot utilize for the purposes of this section all of the funds apportioned to it, the Secretary shall make further apportionment on the same basis as the initial apportionment to any such States which justify the need for additional funds for such purposes.

(c) Of the remaining sums appropriated pursuant to this section for any fiscal year, not less than 50 per centum shall be apportioned among States, other than Puerto Rico, the Virgin Islands, Guam, and American Samoa, on the basis of the following factors for each State: (1) the number of free or reduced-price lunches served in accordance with section 9 of this Act in the preceding fiscal year, and (2) the assistance need rate. These factors shall be applied in the following manner: First, determine an index for each State by multiplying factors (1) and (2); second, divide this index by the sum of the indices for all such States; and, third, apply the figure thus obtained to the total funds to be apportioned. Any funds so initially apportioned which cannot be used for the purposes of this section by the State to which apportioned, together with the remainder of the funds available under this subsection, shall be further apportioned by the Secretary on the same basis as the initial apportionment to such States which justify on the basis of operating experience the need for additional funds to meet the need of students in such States for free or reduced-priced lunches.

(d) Payment of the funds apportioned to any State under this section shall be made as provided in the last sentence of section 7 of the Act.

(e) Funds paid to any State during any fiscal year pursuant to this section shall be disbursed to selected schools in such State to assist such schools in the purchase of agricultural commodities and other foods. The selection of schools and the amounts of funds that each shall from time to time receive (within maximum per lunch amounts established by the Secretary) shall be determined by the State educational agency on the basis of the following factors: (1) The economic condition of the area from which such schools draw attendance; (2) the needs of pupils in such schools for free or reduced-price lunches; (3) the percentages of free and reduced-price lunches being served in such schools to their pupils; (4) the prevailing price of lunches in such schools as compared with the average prevailing price of lunches served in the State under this Act; and (5) the need of such schools for additional assistance as reflected by the financial position of the school-lunch programs in such schools.

(f) If in any State the State educational agency is not permitted by law to disburse funds paid to it under this Act to nonprofit private schools

in the State, the Secretary shall withhold from the funds apportioned to such State under subsections (b) or (c) of this section an amount which bears the same ratio to such funds as the number of free and reduced-price lunches served in accordance with section 9 of this Act in the preceding fiscal year by all nonprofit private schools participating in the program under this Act in such State bears to the number of such free and reduced-price lunches served during such year by all schools participating in the program under this Act in such State. The Secretary shall disburse the funds so withheld directly to the nonprofit private schools within such State for the same purposes and subject to the same conditions as are applicable to a State educational agency disbursing funds under this section.

(g) In carrying out this section, the terms and conditions governing the operation of the school-lunch program set forth in other sections of this Act, including those applicable to funds apportioned or paid pursuant to sections 4 or 5 but excluding the provisions of section 7 relating to matching, shall be applicable to the extent they are not inconsistent with the express requirements of this section.

MISCELLANEOUS PROVISIONS AND DEFINITIONS

SEC. [11] 12. (a) States, State educational agencies, and schools participating in the school-lunch program under this Act shall keep such accounts and records as may be necessary to enable the Secretary to determine whether the provisions of this Act are being complied with. Such accounts and records shall at all times be available for inspection and audit by representatives of the Secretary and shall be preserved for such period of time, not in excess of five years, as the Secretary determines is necessary.

(b) The Secretary shall incorporate, in his agreements with the State educational agencies, the express requirements under this Act with respect to the operation of the school-lunch program under this Act insofar as they may be applicable and such other provisions as in his opinion are reasonably necessary or appropriate to effectuate the purposes of this Act.

(c) In carrying out the provisions of this Act, neither the Secretary nor the State shall impose any requirement with respect to teaching personnel, curriculum, instruction, methods of instruction, and materials of instruction in any school. [If a State maintains separate schools for minority and for majority races, no funds made available pursuant to this Act shall be paid or disbursed to it unless a just and equitable distribution is made within the State, for the benefit of such minority races, of funds paid to it under this Act.]

(d) For the purposes of this Act—

[(1) "State" includes any of the forty-eight States, the District of Columbia, Hawaii, Alaska, Puerto Rico, Guam, and the Virgin Islands.]

(1) "State" means any of the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, or American Samoa.

(2) "State educational agency" means, as the State legislature may determine, [(a)](A) the chief State school officer (such as the State superintendent of public instruction, commissioner of education, or similar officer), or [(b)](B) a board of education controlling the State department of education [; except that in

the District of Columbia it shall mean the Board of Education, and except that for the period ending June 30, 1948, "State educational agency" may mean any agency or agencies within the State designated by the Governor to carry out the functions herein required of a State educational agency].

(3) "Nonprofit private school" means any private school exempt from income tax under section [101(6)] 501(c)(3) of the Internal Revenue Code[, as amended] of 1954.

(4) "Nonfood assistance" means equipment used [on school premises] by schools in storing, preparing, or serving food for school children.

(5) "Participation rate" for a State means a number equal to the number of lunches, consisting of a combination of foods and meeting the minimum requirements prescribed by the Secretary pursuant to section 9, served in the preceding fiscal year by schools participating in the program under this Act in the State, as determined by the Secretary.

(6) "Assistance need rate" (A) in the case of any State having an average annual per capita income equal to or greater than the average annual per capita income for all the States, shall be 5; and (B) in the case of any State having an average annual per capita income less than the average annual per capita income for all the States, shall be the product of 5 and the quotient obtained by dividing the average annual per capita income for all the States by the average annual per capita income for such State, except that such product may not exceed 9 for any such State. For the purposes of this paragraph (i) the average annual per capita income for any State and for all the States shall be determined by the Secretary on the basis of the average annual per capita income for each State and for all the States for the three most recent years for which such data are available and certified to the Secretary by the Department of Commerce; and (ii) the average annual per capita income for American Samoa shall be disregarded in determining the average annual per capita income for all the States for periods ending before July 1, 1967.

(7) "School" means any public or nonprofit private school of high school grade or under and, with respect to Puerto Rico, shall also include nonprofit child-care centers certified as such by the Governor of Puerto Rico.



Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For information only;
should not be quoted
or cited)

Issued Sept. 10, 1962
For actions of Sept. 7, 1962
87th-2d, No. 161

CONTENTS

Adjournment.....16	Electrification.....13,18	Personnel.....5
Agricultural appro- priations.....15	Estes.....3	Property.....9
Agricultural exchange...17	Extension service.....1	Public works.....2
Alaska lands.....11,7	Foreign affairs.....6	Research.....1
Appropriations.....8,15	Forestry.....1,4	School lunch.....1
Copyrights.....11	Lands.....1,9	Surplus food.....12
Economic aid.....6	Laws.....1	Transportation.....10
	Natural resources.....7	Wildlife.....14

HIGHLIGHTS: Senate committee reported bills for revised apportionment of school lunch and extension work funds, expanded forestry research, land development program in Alaska, and cooperation with States in administration of agricultural laws. Senate debated public works acceleration bill. Sen. Tower commended Sen. Mundt's role in Estes investigation. Sen. Humphrey commended shipment of surplus food to Iran.

SENATE

1. THE AGRICULTURE AND FORESTRY COMMITTEE reported the following bills: p. 17722
H. R. 9728, without amendment, to amend the Cooperative Forest Management Act so as to increase the appropriation authorization from \$2.5 million to \$5 million (S. Rept. 2012).
H. R. 12688, with amendments, to authorize the Secretary of Agriculture to encourage and assist the States in carrying on a program of forestry research (S. Rept. 2013).
S. 3589, without amendment, to authorize the Secretary of Agriculture to acquire certain lands in Wright Co., Minn., and exchange them with Minn. for State-owned lands in the Superior National Forest (S. Rept. 2017).
S. 3475, without amendment, to provide further for cooperation with States in the administration and enforcement of certain laws relating to agriculture (S. Rept. 2018).
S. 2805, without amendment, to provide assistance for a program of agricul-
tural land development in Alaska (S. Rept. 2014).

H. R. 11665, with amendments, to revise the formula for apportioning cash assistance funds among the States under the School Lunch Act (S. Rept. 2016).

H.R. 12589, without amendment, to revise the formula for the distribution of any additional Federal funds for agricultural extension work and to provide for quarterly (rather than annual) payments to States for extension work (S. Rept. 2015).

2. PUBLIC WORKS. Began consideration of the House amendments to S. 2965, the public works acceleration bill. pp. 17775-9, 17783-7
Sens. Cooper and Miller submitted amendments intended to be proposed to this bill, S. 2965. p. 17723, 17783-7
3. ESTES INVESTIGATION. Sen. Tower commended Sen. Mundt's role in the investigation of the Estes and other cases and inserted an article, "Mundt Sorts Good and Bad Guys." pp. 17729-30
4. FORESTRY. Sen. Yarborough urged greater use of public lands, including forest lands, for hunting, fishing, and other forms of recreation, and inserted an article, "Public Hunting in America." pp. 17757-60
Sen. Morse stated that "great savings can be achieved in school construction" through the use of wood and urged greater use of timber for this purpose. pp. 17779-81
5. PERSONNEL. At the request of Sen. Russell, a Defense Department proposal to exempt certain Reserve officers of the Army or Air Force from the dual compensation restrictions of the Economy Act was re-referred from the Armed Services Committee to the Post Office and Civil Service Committee. p. 17723
6. FOREIGN AFFAIRS. Sen. Smith, Maine, inserted a thesis, "The United States Versus the Sino-Soviet Bloc in Latin America," including a discussion of economic aid and foreign trade programs. pp. 17723-9
7. ALASKA. Sen. Gruening inserted an article, "Alaska: Last Frontier," including a discussion of the natural resources of Alaska. pp. 17739-42
Sen. Gruening praised the Matanuska Valley in Alaska as "the backbone of the State's agricultural economy," and inserted an editorial, "They Tamed the Wilds to Make a Farmland." pp. 17796-7
8. MILITARY CONSTRUCTION APPROPRIATION BILL, 1963. Passed as reported this bill, H. R. 12870. Conferees were appointed. pp. 17760-72
9. LAND: Passed with amendment H. R. 8355, to authorize executive agencies to grant easements in, over, or upon real property of the U. S. under the control of such agencies. pp. 17774-5
10. TRANSPORTATION. Sen. Mundt criticized a strike by the Railway Telegraphers against the Chicago & North Western Railroad and inserted an article stating the strike was holding up grain shipments. pp. 17788-91
11. COPYRIGHTS. Passed without amendment H. J. Res. 627, extending the duration of copyright protection in certain cases. This bill will now be sent to the President. p. 17792
12. SURPLUS FOOD. Sen. Humphrey commended Government action to give surplus food to Iran following the recent earthquake disaster. pp. 17792-3
13. ELECTRIFICATION. Sen. Gruening urged Congressional approval of the Rampart Dam in Alaska and inserted an editorial, "Rampart: An Essential of the Moment." pp. 17797-8

Calendar No. 1977

87TH CONGRESS
2^D SESSION

H. R. 11665

[Report No. 2016]

IN THE SENATE OF THE UNITED STATES

JUNE 7, 1962

Read twice and referred to the Committee on Agriculture and Forestry

SEPTEMBER 7, 1962

Reported by Mr. JORDAN of North Carolina, with amendments

[Omit the part struck through and insert the part printed in italic]

AN ACT

To revise the formula for apportioning cash assistance funds among the States under the National School Lunch Act, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 3 of the National School Lunch Act is amended
4 to read as follows:

5 “APPROPRIATIONS AUTHORIZED

6 “SEC. 3. For each fiscal year there is hereby authorized
7 to be appropriated, out of money in the Treasury not other-
8 wise appropriated, such sums as may be necessary to enable
9 the Secretary of Agriculture (hereinafter referred to as the

1 ‘Secretary’) to carry out the provisions of this Act, other
2 than section 11.”

3 SEC. 2. Section 4 of the National School Lunch Act is
4 amended to read as follows:

5 “APPORTIONMENTS TO STATES

6 “SEC. 4. The sums appropriated for any fiscal year
7 pursuant to the authorization contained in section 3 of this
8 Act, excluding the sum specified in section 5, shall be avail-
9 able to the Secretary for supplying agricultural commodities
10 and other foods for the program in accordance with the
11 provisions of this Act. The Secretary shall apportion
12 among the States during each fiscal year not less than
13 75 per centum of the funds made available for such year
14 for supplying agricultural commodities and other foods
15 under the provisions of section 3 of this Act. Apportion-
16 ment among the States shall be made on the basis of two
17 factors: (1) the participation rate for the State, and (2)
18 the assistance need rate for the State. The amount of ap-
19 portionment to any State shall be determined by the follow-
20 ing method: First, determine an index for the State by multi-
21 plying factors (1) and (2); second, divide this index by
22 the sum of the indices for all the States (exclusive of Ameri-
23 can Samoa for periods ending before July 1, 1967); and
24 third, apply the figure thus obtained to the total funds to be
25 apportioned. If any State cannot utilize all funds so ap-

1 portioned to it, or if additional funds are made available
2 under section 3 for apportionment among the States, the Sec-
3 retary shall make further apportionments to the remaining
4 States in the same manner. Notwithstanding the foregoing
5 provisions of this section, (1) for the fiscal year beginning
6 July 1, 1962, ~~one-half of any funds available for appor-
7 tionment among the States shall be apportioned in the manner
8 used prior to such fiscal year, and one-half of any such funds
9 shall be apportioned in accordance with the foregoing provi-
10 sions of this section, and (2) three-quarters of any funds
11 available for apportionment among the States shall be appor-
12 tioned in the manner used prior to such fiscal year, and one-
13 quarter of any such funds shall be apportioned in accordance
14 with the foregoing sentences of this section, (2) for the fiscal
15 year beginning July 1, 1963, one-half of any funds available
16 for apportionment among the States shall be apportioned in
17 the manner used prior to the fiscal year beginning July 1,
18 1962, and one-half of any such funds shall be apportioned
19 in accordance with the foregoing sentences of this section, (3)
20 for the fiscal year beginning July 1, 1964, one-quarter of any
21 funds available for apportionment among the States shall
22 be apportioned in the manner used prior to the fiscal year be-
23 ginning July 1, 1962, and three-quarters of any such funds
24 shall be apportioned in accordance with the foregoing sentences
25 of this section, and (4) for the five fiscal years in the period~~

1 beginning July 1, 1962, and ending June 30, 1967, the
2 amount apportioned to American Samoa shall be \$25,000
3 each year, which amount shall be first deducted from the
4 funds available for apportionment in determining the amounts
5 to be apportioned to the other States.”

6 SEC. 3. (a) Section 5 of the National School Lunch Act
7 is amended by striking out the last sentence thereof.

8 (b) Section 6 of the National School Lunch Act is
9 amended by striking out “and less the amount apportioned
10 to him pursuant to sections 4, 5, and 10” and inserting in
11 lieu thereof the following: “, less the amount apportioned by
12 him pursuant to sections 4, 5, and 10, and less the amount
13 appropriated pursuant to section 11”.

14 SEC. 4. Section 10 of the National School Lunch Act
15 is amended by striking out “the same proportion of the funds
16 as the number of children between the ages of 5 and 17,
17 inclusive, attending nonprofit private schools within the State
18 is of the total number of persons of those ages within the
19 State attending school” and inserting in lieu thereof the
20 following: “an amount which bears the same ratio to such
21 funds as the number of lunches, consisting of a combination
22 of foods and meeting the minimum requirements prescribed
23 by the Secretary pursuant to section 9, served in the preced-
24 ing fiscal year by all nonprofit private schools participating
25 in the program under this Act within the State, as deter-

1 mined by the Secretary, bears to the participation rate for
2 the State”.

3 SEC. 5. Section 11 of the National School Lunch Act
4 is redesignated as section 12 and subsections (c) and (d)
5 thereof are amended to read as follows:

6 “(c) In carrying out the provisions of this Act, neither
7 the Secretary nor the State shall impose any requirement
8 with respect to teaching personnel, curriculum, instruction,
9 methods of instruction, and materials of instruction in any
10 school.

11 “(d) For the purposes of this Act—

12 “(1) ‘State’ means any of the fifty States, the Dis-
13 trict of Columbia, the Commonwealth of Puerto Rico,
14 the Virgin Islands, Guam, or American Samoa.

15 “(2) ‘State educational agency’ means, as the State
16 legislature may determine, (A) the chief State school
17 officer (such as the State superintendent of public instruc-
18 tion, commissioner of education, or similar officer), or
19 (B) a board of education controlling the State depart-
20 ment of education.

21 “(3) ‘Nonprofit private school’ means any private
22 school exempt from income tax under section 501(c)

23 (3) of the Internal Revenue Code of 1954.

24 “(4) ‘Nonfood assistance’ means equipment used

1 by schools in storing, preparing, or serving food for
2 schoolchildren.

3 “(5) ‘Participation rate’ for a State means a num-
4 ber equal to the number of lunches, consisting of a com-
5 bination of foods and meeting the minimum requirements
6 prescribed by the Secretary pursuant to section 9, served
7 in the preceding fiscal year by schools participating in
8 the program under this Act in the State, as determined
9 by the Secretary.

10 “(6) ‘Assistance need rate’ (A) in the case of any
11 State having an average annual per capita income equal
12 to or greater than the average annual per capita income
13 for all the States, shall be 5; and (B) in the case of any
14 State having an average annual per capita income less
15 than the average annual per capita income for all the
16 States, shall be the product of 5 and the quotient obtained
17 by dividing the average annual per capita income for
18 all the States by the average annual per capita income
19 for such State, except that such product may not exceed
20 9 for any such State. For the purposes of this paragraph
21 (i) the average annual per capita income for any State
22 and for all the States shall be determined by the Secre-
23 tary on the basis of the average annual per capita income
24 for each State and for all the States for the three most
25 recent years for which such data are available and certi-

fied to the Secretary by the Department of Commerce;
 and (ii) the average annual per capita income for
 American Samoa shall be disregarded in determining the
 average annual per capita income for all the States for
 periods ending before July 1, 1967.

“(7) ‘School’ means any public or nonprofit private
 school of high school grade or under and, with respect
 to Puerto Rico, shall also include nonprofit child-care
 centers certified as such by the Governor of Puerto
 Rico.”

SEC. 6. The National School Lunch Act is further
 amended by inserting immediately after section 10 thereof
 the following new section:

“SPECIAL ASSISTANCE

“SEC. 11. (a) There is hereby authorized to be appro-
 priated \$10,000,000 for the fiscal year ending June 30, 1963,
 and such sums as may be necessary for the fiscal year ending
 June 30, 1964, and each succeeding fiscal year, to provide
 additional funds to certain schools (selected on the basis of
 factors set forth in subsection (b)) to assist such schools to
 serve free and reduced price lunches. From the sums appro-
 priated pursuant to this section for any fiscal year, the Secre-
 tary shall reserve such amount as may be necessary, but not
 in excess of 3 per centum thereof, for apportionment to Puerto
 Rico, the Virgin Islands, Guam, and American Samoa.

1 Such amount shall be apportioned among Puerto Rico, the
2 Virgin Islands, Guam, and American Samoa on the basis of
3 ~~(1)~~ the relative numbers of free and reduced price lunches
4 served during the preceding fiscal year by schools partici-
5 pating in the program under this Act in such places, ~~(2)~~
6 the need of students in such places for free or reduced price
7 lunches and ~~(3)~~ the relative assistance need rates of such
8 places. The remaining amount of such sums appropriated
9 for any fiscal year shall be apportioned among the States
10 ~~(other than Puerto Rico, the Virgin Islands, Guam, and~~
11 ~~American Samoa)~~ on the same bases. For purposes of this
12 section, American Samoa shall be deemed to have an assist-
13 ance need rate equal to such rate for Guam, for periods end-
14 ing before July 1, 1967.

15 “~~(b)~~ Except as provided in subsection ~~(c)~~, funds appor-
16 tioned to each State under subsection ~~(a)~~ shall be paid to
17 selected schools in such State to assist such schools to serve
18 free and reduced price lunches. Such schools and the
19 amounts of such funds that each shall from time to time
20 receive shall be determined by the State educational agency
21 on the basis of the following factors: ~~(1)~~ The economic con-
22 dition of the area from which such schools draw attendance;
23 ~~(2)~~ the needs of pupils in such schools for free or reduced
24 price lunches; ~~(3)~~ the percentages of free and reduced price
25 lunches being served in such schools to their students; ~~(4)~~

1 the cost of lunches in such schools as compared to the aver-
2 age cost of school lunches throughout the State; and (5) the
3 need of such schools for additional assistance as reflected by
4 the financial position of the school lunch programs in such
5 schools.

6 “(c) In the case of any State which is not permitted by
7 law to disburse funds paid to it under this section to nonprofit
8 private schools, the Secretary shall withhold from the funds
9 apportioned to such State under this section an amount which
10 bears the same ratio to such funds as the number of such free
11 and reduced price lunches served in the preceding fiscal year
12 by all nonprofit private schools participating in the program
13 under this Act in the State bears to the number of such free
14 and reduced price lunches served during such year by all
15 schools participating in the program under this Act in the
16 State. The Secretary shall select nonprofit private schools
17 in each such State and shall determine the amounts which
18 shall be paid to each such school from time to time from
19 amounts so withheld, on the basis of the same factors set
20 forth in subsection (b).”

21 “SEC. 11. (a) There is hereby authorized to be appro-
22 priated \$10,000,000 for the fiscal year ending June 30,
23 1963, and such sums as may be necessary for each succeeding
24 fiscal year to provide special assistance to schools drawing
25 attendance from areas in which poor economic conditions

1 exist, for the purpose of helping such schools to meet the
2 requirement of section 9 of this Act concerning the service of
3 lunches to children unable to pay the full cost of such lunches.

4 “(b) Of the sums appropriated pursuant to this section
5 for any fiscal year, 3 per centum shall be available for appor-
6 tionment to Puerto Rico, the Virgin Islands, Guam, and
7 American Samoa. From the funds so available the Secretary
8 shall apportion to each such State an amount which bears
9 the same ratio to the total of such funds as the number of free
10 or reduced-price lunches served in accordance with section 9
11 of this Act in such State in the preceding fiscal year bears
12 to the total number of such free or reduced-price lunches
13 served in all such States in the preceding fiscal year: Pro-
14 vided, That for the fiscal year ending June 30, 1963,
15 \$5,000 shall be apportioned to American Samoa, which
16 amount shall be first deducted from the total amount avail-
17 able for apportionment under this subsection. If any such
18 State cannot utilize for the purposes of this section all of the
19 funds apportioned to it, the Secretary shall make further ap-
20 portionment on the same basis as the initial apportionment to
21 any such States which justify the need for additional funds
22 for such purposes.

23 “(c) Of the remaining sums appropriated pursuant to
24 this section for any fiscal year, not less than 50 per centum
25 shall be apportioned among States, other than Puerto Rico,

1 the Virgin Islands, Guam, and American Samoa, on the
2 basis of the following factors for each State: (1) the number
3 of free or reduced-price lunches served in accordance with
4 section 9 of this Act in the preceding fiscal year, and (2)
5 the assistance need rate. These factors shall be applied in
6 the following manner: First, determine an index for each
7 State by multiplying factors (1) and (2); second, divide
8 this index by the sum of the indices for all such States; and,
9 third, apply the figure thus obtained to the total funds to be
10 apportioned. Any funds so initially apportioned which can-
11 not be used for the purposes of this section by the State to
12 which apportioned, together with the remainder of the funds
13 available under this subsection, shall be further apportioned
14 by the Secretary on the same basis as the initial apportion-
15 ment to such States which justify on the basis of operating
16 experience the need for additional funds to meet the need
17 of students in such States for free or reduced-price lunches.

18 “(d) Payment of the funds apportioned to any State
19 under this section shall be made as provided in the last
20 sentence of section 7 of the Act.

21 “(e) Funds paid to any State during any fiscal year
22 pursuant to this section shall be disbursed to selected schools
23 in such State to assist such schools in the purchase of agri-
24 cultural commodities and other foods. The selection of
25 schools and the amounts of funds that each shall from time

1 to time receive (within maximum per lunch amounts estab-
2 lished by the Secretary) shall be determined by the State
3 educational agency on the basis of the following factors: (1)
4 The economic condition of the area from which such schools
5 draw attendance; (2) the needs of pupils in such schools for
6 free or reduced-price lunches; (3) the percentages of free
7 and reduced-price lunches being served in such schools to their
8 pupils; (4) the prevailing price of lunches in such schools
9 as compared with the average prevailing price of lunches
10 served in the State under this Act; and (5) the need of such
11 schools for additional assistance as reflected by the financial
12 position of the school lunch programs in such schools.

13 “(f) If in any State the State educational agency is not
14 permitted by law to disburse funds paid to it under this Act
15 to nonprofit private schools in the State, the Secretary shall
16 withhold from the funds apportioned to such State under
17 subsections (b) or (c) of this section an amount which bears
18 the same ratio to such funds as the number of free and
19 reduced-price lunches served in accordance with section 9 of
20 this Act in the preceding fiscal year by all nonprofit private
21 schools participating in the program under this Act in such
22 State bears to the number of such free and reduced-price
23 lunches served during such year by all schools participating
24 in the program under this Act in such State. The Secretary
25 shall disburse the funds so withheld directly to the non-

1 *profit private schools within such State for the same purposes*
2 *and subject to the same conditions as are applicable to a State*
3 *educational agency disbursing funds under this section.*

4 “(g) *In carrying out this section, the terms and condi-*
5 *tions governing the operation of the school lunch program*
6 *set forth in other sections of this Act, including those applica-*
7 *ble to funds apportioned or paid pursuant to sections 4 or*
8 *5 but excluding the provisions of section 7 relating to match-*
9 *ing, shall be applicable to the extent they are not inconsistent*
10 *with the express requirements of this section.”*

11 SEC. 7. The amendments made by this Act shall take
12 effect on July 1, 1962.

Passed the House of Representatives June 6, 1962.

Attest:

RALPH R. ROBERTS,
Clerk.

AN ACT

To revise the formula for apportioning cash assistance funds among the States under the National School Lunch Act, and for other purposes.

JUNE 7, 1962

Read twice and referred to the Committee on
Agriculture and Forestry

SEPTEMBER 7, 1962

Reported with amendments

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For information only;
should not be quoted
or cited)

Issued Sept. 12, 1962
For actions of Sept. 11, 1962
87th-2d, No. 163

CONTENTS

Alaska roads.....7	Foreign aid.....17	Public works.....13
ARS.....27	Foreign currency.....31	Quality stabilization....26
Assistant Secretary.....28	Foreign trade.....8,20,30	Radiation.....16
Atomic energy.....3	Forestry.....12,28	Research.....27
Cotton.....8,20,30	Information.....10	Roads.....7
Estes.....10,29	Land-grant colleges....21	School lunch.....11
Family planning.....23	Lands.....18	Seashore.....6
Farm labor.....9	Monopolies.....14	Tariff.....4
Farm program.....1	Pay.....25	Textile imports.....8,20,30
Food.....17,22	Perishable commodities...2	Transportation.....24
Foreign affairs.....15	Prices.....22	Wheat.....19

HIGHLIGHTS: Sen. Thurmond criticized Tariff Commission decision on cotton textile import fee. Sen. Holland inserted Governor's conference report on protection against atomic fallout. Sen. Humphrey inserted Herbert Waters speech on importance of food in foreign aid program. Sen. Magnuson and several Representatives introduced bill to establish Assistant Secretary for Forestry Resources. Rep. Alexander introduced and discussed bills to restrict imports of cotton products.

HOUSE

- 1. FARM PROGRAM.** The "daily Digest" states that "Conferees continue, in executive session, to resolve the differences between the Senate- and House-passed versions of H. R. 12391, proposed Food and Agriculture Act of 1962, but did not reach final agreement, and will meet again tomorrow." p. D826
- 2. PERISHABLE COMMODITIES.** Conferees were appointed on S. 1037, to amend the Perishable Agricultural Commodities Act regarding fees, oral hearings, and re-licensing. Senate conferees have already been appointed. p. 18005

3. ATOMIC ENERGY. Received the conference report on H. R. 11974, to authorize appropriations for the Atomic Energy Commission (H. Rept. 2342). pp. 17990-3
18047
 4. TARIFFS. Passed as reported H. R. 12242, to provide for the tariff classification of certain particleboard. pp. 18003-4
 5. TAXATION. Concurred in the Senate amendment to H. R. 6413, to extend to fishermen the same treatment accorded farmers in relation to estimated income tax. This bill will now be sent to the President. p. 18005
 6. SEASHORE. Began debate on S. 4, to provide for the establishment of the Padre Island National Seashore. pp. 18006-7, 18010-8
 7. ROADS. The Subcommittee on Roads of the Public Works Committee voted to report to the full committee S. J. Res. 137, to authorize studies and surveys relative to a highway construction program in Alaska. p. D826
- SENATE
8. COTTON TEXTILE IMPORTS. Sen. Thurmond criticized the decision of the Tariff Commission rejecting the request of this Department for imposition of an "equalization fee" on cotton-textile imports and inserted a Wall Street Journal analysis of the Commission's action. pp. 17900-01
 9. FARM LABOR. Agreed to the House amendment to S. 1130, to authorize the appropriation of up to \$3 million a year for fiscal years 1963, 1964, and 1965 to the Public Health Service to make grants to public and other nonprofit agencies for paying part of the cost of establishing and operating family health service clinics and special projects to improve health services for and the health conditions of domestic agricultural migratory workers and their families. This bill will now be sent to the President. pp. 17969-8
 10. INFORMATION. Sen. Williams, Del., inserted several articles discussing the book, "Washington Cover-up," regarding the executive privilege in withholding information from the Congress, including a reference to the Estes case. pp. 17903-5
 11. SCHOOL LUNCH. Sen. Javits submitted amendments intended to be proposed to H. R. 11665, to revise the formula for apportioning cash assistance funds among the States under the school lunch program. p. 17893
 12. FORESTRY. The Interior and Insular Affairs Committee reported with amendment S. 3335, to revise the boundaries of the Big Hole Battlefield National Monument, Mont., including the transfer of land from the Beaverhead National Forest to the Monument (S. Rept. 2024). p. 17892
 13. PUBLIC WORKS. Sen. Randolph commended passage of the public works acceleration bill and inserted an editorial, "Unemployment Challenge." pp. 17905-6
 14. MONOPOLIES. Sen. Kefauver inserted an article, "Antitrust is Probusiness." pp. 17906-8
 15. FOREIGN AFFAIRS. Sen. Hickenlooper inserted an article, "The Unselfish American," that itemizes U. S. investments abroad, including those for agriculture. pp. 17908-11

Calendar No. 1977

87TH CONGRESS
2^D SESSION

H. R. 11665

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 11, 1962

Ordered to lie on the table and to be printed

AMENDMENTS

Intended to be proposed by Mr. JAVITS to the bill (H.R. 11665) to revise the formula for apportioning cash assistance funds among the States under the National School Lunch Act, and for other purposes, viz:

1 On page 5, between lines 8 and 9, insert the following:

2 “(4) ‘Nonprofit summer camp’ means any summer
3 camp operated by an organization exempt under section
4 501(c)(3) of the Internal Revenue Code of 1954.”

5 On page 5, line 9, strike out “(4)” and insert in lieu
6 thereof “(5)”.

7 On page 5, line 12, strike out “(5)” and insert in lieu
8 thereof “(6)”.

9 On page 5, line 19, strike out “(6)” and insert in lieu
10 thereof “(7)”.

1 On page 6, line 16, strike out “(7)” and insert in lieu
2 thereof “(8)”.

3 On page 6, line 17, after the word “under” insert “and
4 any nonprofit summer camp for children;”.

Calendar No. 1977

87TH CONGRESS
2D SESSION

H. R. 11665

AMENDMENTS

Intended to be proposed by Mr. JAVRS to the bill (H.R. 11665) to revise the formula for apportioning cash assistance funds among the States under the National School Lunch Act, and for other purposes.

SEPTEMBER 11, 1962

Ordered to lie on the table and to be printed

Sept 21, 1962

14. DRUGS. The Interstate and Foreign Commerce Committee voted to report (but did not actually report) with amendment H. R. 11581, to assure the safety, efficacy, and reliability of drugs. p. D879
15. LEGISLATIVE PROGRAM. Rep. Boggs announced that S. 320, to amend the provisions of the Interstate Commerce Act concerning registration of State certificates whereby a common carrier by motor vehicle may engage in interstate and foreign commerce within a State; and S. 1123, to amend the Fair Labor Standards Act of 1938, to extend the child labor provisions thereof to certain children employed in agriculture, will be considered on Tues., and the balance of the week. p. 19126
16. ADJOURNED until Mon., Sept. 24 p. 19143

SENATE

17. FARM PROGRAM. Sen. Mansfield defended the ASC farmer committees against recent criticism "as a result of developments in a few locations of the country," and commended Secretary Freeman "for his untiring efforts to improve the farm programs that are of such vital importance to all of our citizens." pp. 19171-2
- Sen. Pearson criticized the conference report on the farm bill, contending that it "combines not only the Freeman-Cochrane theories of acreage limitations and marketing controls, but also invokes the old Brannan compensatory payment plan." Sen. Mundt commended Sen. Pearson's remarks and stated that the bill as reported out of conference "heralds the collapse of the whole price support concept in agriculture." p. 19213
- Sen. Humphrey commended the work of this Department on its centennial anniversary and inserted several commendatory articles. pp. 19247-9
18. SCHOOL LUNCH. Passed as reported H. R. 11665, to revise the formula for apportioning cash assistance funds among the States under the school lunch program (pp. 19173-5). As passed the bill amends the National School Lunch Act so as to revise the formula for apportioning cash assistance funds to States to base it on the number of lunches served in the preceding year and a slightly modified assistance need factor (instead of on the number of children aged 5 to 17 and the assistance need factor), provide for a 3-year transition to the new formula (25 percent of the funds being apportioned on the new formula the first year, 50 percent the second year, and 75 percent on the new formula the third year), change the formula for division of State apportionments between public and private schools to base it on the number of lunches served instead of the number of students, and provide for special assistance to certain schools to help them serve free or reduced price lunches.
19. USER CHARGES; INSPECTION SERVICES. Sen. Monroney inserted an article critical of Federal agencies for not paying for space used at airports for inspection services including the quarantine services by this Department. pp. 19177-8
20. FORESTRY. Sen. Neuberger inserted an article, "Dispute Centers on Oregon Dunes - Stabilization Plan Raises Fears of Conservationists," including criticism of the Forest Service for planting beach grass to stabilize sand dunes in areas of the Oregon Coast. pp. 19165-6
- Sen. Mundt and others expressed concern over conditions in the domestic timber industry and urged that steps be taken to aid and protect the industry. pp. 19214-20
21. FOREIGN AID. Sen. Humphrey expressed concern over reductions by the House in the foreign aid appropriation bill, appealed to his colleagues "to maintain the program we have initiated, and not to relax one bit," and inserted the Presi-

dent's address to the World Bank and Fund. pp. 19249-51

Sen. Proxmire submitted an amendment intended to be proposed to H. R. 13175, the foreign aid appropriation bill for 1963. p. 19150

Sen. Bush inserted an address by Eugene R. Black discussing the activities of the World Bank in assisting less developed countries. pp. 19154-7

22. TOBACCO. Sen. Neuberger inserted an article commending a CBS television program on the relation of cigarette smoking to lung cancer. p. 19166
23. AREA REDEVELOPMENT. Sen. Mansfield commended the Area Redevelopment program in providing assistance to organized Indian reservation groups to improve their economic conditions. pp. 19172-3
24. TRADE FAIRS. Sen. Dirksen commended the Chicago International Trade Fair and inserted several commendatory articles. pp. 19199-200
25. RYUKYU ISLANDS. Passed as reported H. R. 10937, to increase the authorization for the economic and social development of the Ryukyu Islands. pp. 19204-5
26. BUILDINGS. Began consideration of H. R. 11880, to authorize additional appropriations for the acquisition of sites and buildings in foreign countries for U. S. personnel, including foreign agricultural attaches. p. 19210
27. WILDLIFE. Began consideration of H. J. Res. 489, to provide protection for the golden eagle, but after some discussion the bill was withdrawn for consideration at the request of Sen. Mansfield. pp. 19205-6
28. TAXATION. Passed over, at the request of Sen. Mansfield, H. R. 5260, to continue the suspension of the tax on the first domestic processing of coconut oil, palm oil, palm kernel oil, and fatty acids, salts, and combination of mixtures thereof. p. 19207
29. ADJOURNED until Mon., Sept. 24. p. 19256

ITEMS IN APPENDIX

30. FOREIGN AID. Extension of remarks of Sen. Mundt inserting a constituent's letter discussing defects in the foreign aid program and stating that one "serious defect is our neglect of agriculture and, of agricultural research in the countries we desire to help." pp. A6989-90
Various insertions favoring and opposing the reductions made by the House in appropriations for the foreign aid program. pp. A6990, A6993, A7003, A7017
31. TEXTILES. Extension of remarks of Rep. Hemphill inserting an article discussing problems of the textile industry. p. A6997
32. FARM PROGRAM. Extension of remarks of Rep. Hagen favoring the "establishment of lower support levels, which will require only occasional or otherwise reduced regimentation, ... " and inserting a letter opposing a compensatory payment type program for cotton. pp. A7011-2
33. WILDERNESS. Extension of remarks of Rep. Saylor inserting proposed amendments for a substitute wilderness bill as advocated by the Citizens Committee on Natural Resources. pp. A7023-5

Behind the men, the women and children hid in a gully. All were ready to die.

A Cheyenne marksman wounded the colonel. The troops drew off and, as the Indians rode and walked north again, the colonel fulfilled his vow.

Some days they made as many as 70 miles, small groups walking and riding, dispersed but close enough that they could draw together for defense.

As October began they crossed the Platte River.

Legend has it that the chiefs decided the weaker members could not reach the Yellowstone. Dull Knife supposedly took them and attempted to reach Pine Ridge.

Legend has it that as Dull Knife drew away, Little Wolf and the remainder of the band showed themselves on a hill and decoyed the soldiers.

ROUTE SPLIT

But others say the two chiefs split over the route, Dull Knife wanting to join Red Cloud and Little Wolf wanting to continue to the Yellowstone.

No matter the reason, the band split. Little Wolf led his group into the sandhills of Nebraska and Wyoming where they wintered in secluded valleys, living on wild cattle and game.

The aged Dull Knife led his band along willow-shrouded banks of the White River in northwest Nebraska. He sent messengers to ask Red Cloud for succor.

The Sioux chief had been ordered by the agent to report the Cheyennes. He did.

In the midst of a snow storm, the troops found Dull Knife.

"Surrender or fight," they said.

Dull Knife surrendered but asserted the Cheyennes would die fighting before returning south.

The Dull Knife Cheyennes were held at Fort Robinson. Arms and horses were taken from them, except for weapons the women hid under their skirts.

"You will stay here until the Government decides what to do with you," they were told.

Dull Knife answered, "We are back on our ground and have stopped fighting. We have found the place we started to come to."

For several months the Cheyennes roamed freely around the fort. Then one of them went to Pine Ridge to see his wife and did not return for 3 days.

SEALED IN BARRACKS

The Cheyennes were sealed in barracks.

As the new year began, Capt. Henry Walton Wessell, Jr., post commander, told the Cheyennes they would have to go south.

They refused.

Captain Wessell cut off rations, fuel and finally water. Several leaders were taken from the barracks in chains.

On January 9, 1879, the Cheyennes dressed carefully in their best and packed their belongings. Hidden weapons, pitifully few, came out of hiding places.

Guards went down in the first blast.

Cheyennes streamed from the windows.

Like shadows they poured across the moonlit snow between fort and river.

Soldiers raced after them and shadows became dark mounds in the snow. For 10 days the troops chased and killed Indians—men, women, and children.

Of the 150 Indians at the fort, 50 died, 65 were recaptured, most wounded, and the remainder disappeared, some perhaps to reach the Yellowstone.

Dull Knife lost a son and daughter, but with the remnants of his family he fled to Red Cloud. The Sioux sheltered them.

Eventually Dull Knife moved to the Tongue River Reservation where he died in 1883 and was buried above the Rosebud Valley.

Little Wolf desperately kept his warriors under control when they heard of the massacre.

In February, protected by a thin screen of warriors and foragers, he moved his band north, up the valley of the Little Missouri and through the badlands to about 50 miles west of the mouth of the Yellowstone.

LITTLE WOLF WAITS

He knew the constantly searching soldiers would find them.

He moved to a high, protected fortress in the badlands where the soldiers could not attack without tremendous losses.

There he waited.

General Miles' scouts found them. A trusted Army lieutenant, W. E. "White Hat" Clark talked the Cheyennes into surrendering.

The band moved to Fort Keogh.

The Government decided peace with the Cheyennes was worth a reservation and an area near the Tongue River in Montana was set aside.

But the man primarily responsible was never to live in honor on the reservation.

As the months passed at Fort Keogh, Little Wolf succumbed to boredom and whisky.

Under its influence he shot and killed another Cheyenne.

For 25 years, until his death in 1904 and his burial above the Rosebud, he wandered the desolate lands of southern Montana and northern Wyoming, alone or with his family—an exile for committing the worst of Cheyenne crimes.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may proceed for an additional 3 minutes for the purpose of making comments on what the Senator from Oregon has said, and also to call up a bill which I believe can be disposed of expeditiously.

The VICE PRESIDENT. Is there objection? Without objection, it is so ordered.

CASH ASSISTANCE UNDER NATIONAL SCHOOL LUNCH ACT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1977, H.R. 11665.

The VICE PRESIDENT. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H.R. 11665) to revise the formula for apportioning cash assistance funds among the States under the National School Lunch Act, and for other purposes.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Agriculture and Forestry with amendments on page 3, line 6, after "1962", to strike out "one-half of any funds available for apportionment among the States shall be apportioned in the manner used prior to such fiscal year, and one-half of any such funds shall be apportioned in accordance with the foregoing provisions of this section, and (2)" and insert "three-quarters of any funds available for apportionment among the States shall be apportioned in the manner used prior to such fiscal year, and one-quarter of any such funds shall be apportioned in accordance with the foregoing sentences of this section,

(2) for the fiscal year beginning July 1, 1963, one-half of any funds available for apportionment among the States shall be apportioned in the manner used prior to the fiscal year beginning July 1, 1962, and one-half of any such funds shall be apportioned in accordance with the foregoing sentences of this section, (3) for the fiscal year beginning July 1, 1964, one-quarter of any funds available for apportionment among the States shall be apportioned in the manner used prior to the fiscal year beginning July 1, 1962, and three-quarters of any such funds shall be apportioned in accordance with the foregoing sentences of this section, and (4)"; and on page 7, after line 14, to strike out:

SEC. 11. (a) There is hereby authorized to be appropriated \$10,000,000 for the fiscal year ending June 30, 1963, and such sums as may be necessary for the fiscal year ending June 30, 1964, and each succeeding fiscal year, to provide additional funds to certain schools (selected on the basis of factors set forth in subsection (b)) to assist such schools to serve free and reduced price lunches. From the sums appropriated pursuant to this section for any fiscal year, the Secretary shall reserve such amount as may be necessary, but not in excess of 3 per centum thereof, for apportionment to Puerto Rico, the Virgin Islands, Guam, and American Samoa. Such amount shall be apportioned among Puerto Rico, the Virgin Islands, Guam, and American Samoa on the basis of (1) the relative numbers of free and reduced price lunches served during the preceding fiscal year by schools, participating in the program under this Act in such places, (2) the need of students in such places for free or reduced price lunches and (3) the relative assistance need rates of such places. The remaining amount of such sums appropriated for any fiscal year shall be apportioned among the States (other than Puerto Rico, the Virgin Islands, Guam, and American Samoa) on the same bases. For purposes of this section, American Samoa shall be deemed to have an assistance need rate equal to such rate for Guam, for periods ending before July 1, 1967.

(b) Except as provided in subsection (c), funds apportioned to each State under subsection (a) shall be paid to selected schools in such State to assist such schools to serve free and reduced price lunches. Such schools and the amounts of such funds that each shall from time to time receive shall be determined by the State educational agency on the basis of the following factors: (1) The economic condition of the area from which such schools draw attendance; (2) the needs of pupils in such schools for free or reduced price lunches; (3) the percentages of free and reduced price lunches being served in such schools to their students; (4) the cost of lunches in such schools as compared to the average cost of school lunches throughout the State; and (5) the need of such schools for additional assistance as reflected by the financial position of the school lunch programs in such schools.

(c) In the case of any State which is not permitted by law to disburse funds paid to it under this section to nonprofit private schools, the Secretary shall withhold from the funds apportioned to such State under this section an amount which bears the same ratio to such funds as the number of such free and reduced price lunches served in the preceding fiscal year by all nonprofit private schools participating in the program under this Act in the State bears to the number of such free and reduced price lunches served during such year by all schools participating in the program under this Act in the State. The Secretary shall select nonprofit private schools in each

such State and shall determine the amounts which shall be paid to each such school from time to time from amounts so withheld; on the basis of the same factors set forth in subsection (b).

And, in lieu thereof, to insert:

SEC. 11. (a) There is hereby authorized to be appropriated \$10,000,000 for the fiscal year ending June 30, 1963, and such sums as may be necessary for each succeeding fiscal year to provide special assistance to schools drawing attendance from areas in which poor economic conditions exist, for the purpose of helping such schools to meet the requirement of section 9 of this Act concerning the service of lunches to children unable to pay the full cost of such lunches.

(b) Of the sums appropriated pursuant to this section for any fiscal year, 3 per centum shall be available for apportionment to Puerto Rico, the Virgin Islands, Guam, and American Samoa. From the funds so available the Secretary shall apportion to each such State an amount which bears the same ratio to the total of such funds as the number of free or reduced-price lunches served in accordance with section 9 of this Act in such State in the preceding fiscal year bears to the total number of such free or reduced-price lunches served in all such States in the preceding fiscal year: *Provided*, That for the fiscal year ending June 30, 1963, \$5,000 shall be apportioned to American Samoa, which amount shall be first deducted from the total amount available for apportionment under this subsection. If any such State cannot utilize for the purposes of this section all of the funds apportioned to it, the Secretary shall make further apportionment on the same basis as the initial apportionment to any such States which justify the need for additional funds for such purposes.

"(c) Of the remaining sums appropriated pursuant to this section for any fiscal year, not less than 50 per centum shall be apportioned among States, other than Puerto Rico, the Virgin Islands, Guam, and American Samoa, on the basis of the following factors for each State: (1) the number of free or reduced-price lunches served in accordance with section 9 of this Act in the preceding fiscal year, and (2) the assistance need rate. These factors shall be applied in the following manner: First, determine an index for each State by multiplying factors (1) and (2); second, divide this index by the sum of the indices for all such States; and, third, apply the figure thus obtained to the total funds to be apportioned. Any funds so initially apportioned which cannot be used for the purposes of this section by the State to which apportioned, together with the remainder of the funds available under this subsection, shall be further apportioned by the Secretary on the same basis as the initial apportionment to such States which justify on the basis of operating experience the need for additional funds to meet the need of students in such States for free or reduced-price lunches.

"(d) Payment of the funds apportioned to any State under this section shall be made as provided in the last sentence of section 7 of the Act.

(e) Funds paid to any State during any fiscal year pursuant to this section shall be disbursed to selected schools in such State to assist such schools in the purchase of agricultural commodities and other foods. The selection of schools and the amounts of funds that each shall from time to time receive (within maximum per lunch amounts established by the Secretary) shall be determined by the State educational agency on the basis of the following factors: (1) The economic condition of the area from which such schools draw attendance; (2) the needs of pupils in such schools for free or reduced-price lunches; (3) the percentages of free and reduced-price lunches being served in

such schools to their pupils; (4) the prevailing price of lunches in such schools as compared with the average prevailing price of lunches served in the State under this Act; and (5) the need of such schools for additional assistance as reflected by the financial position of the school lunch programs in such schools.

(f) If in any State the State educational agency is not permitted by law to disburse funds paid to it under this Act to nonprofit private schools in the State, the Secretary shall withhold from the funds apportioned to such State under subsections (b) or (c) of this section an amount which bears the same ratio to such funds as the number of free and reduced-price lunches served in accordance with section 9 of this Act in the preceding fiscal year by all nonprofit private schools participating in the program under this Act in such State bears to the number of such free and reduced-price lunches served during such year by all schools participating in the program under this Act in such State. The Secretary shall disburse the funds so withheld directly to the nonprofit private schools within such State for the same purposes and subject to the same conditions as are applicable to a State educational agency disbursing funds under this section.

(g) In carrying out this section, the terms and conditions governing the operation of the school lunch program set forth in other sections of this Act, including those applicable to funds apportioned or paid pursuant to sections 4 or 5 but excluding the provisions of section 7 relating to matching, shall be applicable to the extent they are not inconsistent with the express requirements of this section.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the committee amendments be considered en bloc.

The VICE PRESIDENT. Without objection, the committee amendments are considered and agreed to en bloc.

Mr. JAVITS. Mr. President, I have an amendment to the bill which is at the desk.

The VICE PRESIDENT. The amendment will be stated.

Mr. JAVITS. I am not calling up the amendment. I should like to question the Senator from Montana, with whom I have conferred about this proposal, and the reason for it. However, I should first like to state my point on the Record, so that it may be clear that our colloquy refers to this amendment.

It is my desire, by the amendment, to provide nonprofit summer camps, which now receive limited food aid from the Department of Agriculture, with the full range of assistance which is given under the National School Lunch Act.

This proposal has received strong support from religious and lay organizations alike engaged in the development of youth. I believe that every Senator is familiar with the great work which is carried on by organizations such as the Community Council of Greater New York, the Boy Scouts, the Salvation Army, 4-H Clubs, the Herald Tribune Fresh Air Fund, and literally hundreds of other organizations across the country, in bringing children out of slums and sending them to summer camps. We all know the difficulty these organizations encounter in raising money for these camps and maintaining them, and the great humanitarian interest that is involved, which is so deserving of Fed-

eral help in the form of food aid—in this case for the most deserving of all; namely, children, who would then be able to receive during the summer the same foods they receive during the school year under the School Lunch Act. I should like to get the Senator's disposition on that subject.

Mr. MANSFIELD. Speaking for the Senator from Louisiana [Mr. ELLENDER], the chairman of the Committee on Agriculture and Forestry and also the Senator from North Carolina [Mr. JORDAN], who reported the bill from the committee, I wish to state for the Record that it is my understanding that the Department of Agriculture was opposed to S. 2821 because it contemplated extending the school lunch program in its entirety to nonprofit summer camps for children. They point, for example, to the different type of food service operated in summer camps, that many State educational agencies probably would not be authorized to make agreements with summer camps, and the difficulty of insuring that nutritional standards would be met because of the short duration of many such camps.

I have, however, discussed with Department officials the possibility of a further study of the current program under which summer camps received donated foods from the Department. They have informed me that they will undertake a review of summer camp operations for the committee to determine how much assistance is currently being provided to camps under the donated foods and special milk program and the desirability and feasibility of increasing such assistance.

I feel such a review would be most worthwhile and would be very helpful to the committee in acting on any legislation affecting summer camps.

Mr. JAVITS. Mr. President, will the Senator from Montana further yield?

Mr. MANSFIELD. I yield.

Mr. JAVITS. The bill S. 2821 to which the Senator referred in his statement contains the substance of the amendment which I had proposed with respect to the pending bill.

Mr. MANSFIELD. I understand.

Mr. JAVITS. I shall not press the amendment. Obviously, it could not be adopted without the concurrence of the Department and the committee. I believe a study will show such a desirability for help as to deserve it and get it. So I shall not press the amendment.

Mr. HART. Mr. President, the chairman of the Agriculture Committee and my fellow members kindly incorporated in the committee report at my request a special section directed to the school lunch problems of our large metropolitan centers.

The big cities of the Nation, such as Detroit, have at one and the same time the largest number of needy children and the highest proportion of older schools built without facilities for serving meals. This means that new techniques and new equipment must be developed in order to have this program reach the hundreds of thousands of chil-

dren having the greatest nutritional requirement.

The committee report directs the Secretary of Agriculture to look into this key problem and report as promptly as possible after January 1, 1963.

With this kind of concentrated attention it should be possible for Detroit youngsters and those of the other big cities to benefit more fully from this program. Given the 3-year transition period provided in the Senate bill, participation should be stepped up so that Michigan and the many other States similarly situated will not lose by the passage of this bill; indeed, along with the rest of the country we will gain by having the program operated under a formula which provides equal Federal contribution to all who participate.

The VICE PRESIDENT. The bill is open to further amendment. If there be no amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed, and the bill read a third time.

The bill (H.R. 11665) was passed.

OPPOSITION TO UNANIMOUS-CONSENT AGREEMENTS

Mr. MANSFIELD. Mr. President, a few moments ago, the Senator from Oregon stated, in effect, that the leadership had asked for unanimous consent with respect to certain measures to which, had he been present, he would have objected. Speaking only for myself, I have followed assiduously over the past several weeks the practice of not asking for unanimous-consent agreements unless the Senator from Oregon was fully aware of my intention and gave his concurrence. It is my understanding that he was on the floor of the Senate yesterday, for example, when an agreement was reached to meet at a time certain on Tuesday next and to vote at a time certain on the conference report on the farm bill. It is my further understanding that on occasion he has been in the Chamber and has indicated he was not averse to unanimous consent being given for the consideration of an amendment.

I assure the Senator from Oregon that I did not ask for unanimous consent with respect to the aquarium bill, although I will take full responsibility for it. I have tried to cooperate with the Senator from Oregon and to accommodate him, as I have with all Senators, in what I have thought he wanted done concerning what the leadership has tried to do in scheduling proposed legislation. I say this not in the form of an apology, but only as an explanation.

Mr. MORSE. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield.

Mr. MORSE. The Senator from Montana, my majority leader, need make no statement at all. That was not the desire of the senior Senator from Oregon. The Senator from Montana knows that I agreed to a unanimous-consent request with respect to the con-

ference report on the farm bill. I knew nothing about a proposal for a unanimous-consent agreement on the aquarium bill. I have long opposed the proposed authorization for an aquarium until more important needs have first been taken care of. I was not told that there would be a request for unanimous consent to limit debate on the aquarium bill.

I do not say that I have a right to be notified. I do not even ask for that. I have a duty to perform, as does every other Senator, to be present on the floor of the Senate, or to have another Senator representing me. I stepped outside the Chamber momentarily, and the Senator from Wisconsin [Mr. PROXMIRE] agreed to represent me in case any unanimous-consent requests were made.

I desire the Senator from Montana to know that I am perfectly willing to stand on my record of cooperation with him, just as the Senator from Montana has a right to stand on his record of cooperation with the Senator from Oregon. I think we have had a very fine record of cooperation on procedural matters. I do not know who was responsible for the unanimous-consent agreement on the aquarium bill. Whoever it was had the right to ask for unanimous consent, and if I was not present, that was my fault.

I serve notice that I shall object to unanimous-consent agreements in doubtful cases. If unanimous-consent proposals are made with respect to important measures, such as the farm bill, which is one of the major pieces of proposed legislation that we know we must pass in connection with commitments we have made, I will agree to unanimous consent. But I will not give unanimous consent on doubtful, controversial issues, and certainly not with respect to measures which cannot be considered to be on the "must" list for passage before sine die adjournment, because many such bills are bad. For example, I will not give unanimous consent to limit debate on the so-called Embassy construction bill, unless there can be some consideration of amendments which I desire to offer, which, in my judgment, would remove the bad features of the bill.

That is the position of the Senator from Oregon. I believe the Senator from West Virginia desires to speak, so I shall let him obtain the floor in his own right.

Mr. RANDOLPH. Mr. President, I shall not speak now, but will discuss the subject a little later.

Mr. MANSFIELD. Mr. President, I assure the Senator from Oregon and all other Senators that there will be no subterfuges, no under-the-table deals. If any requests are made, they will be made with the thought in mind that all Senators who are interested in one way or the other will be notified, so that, if possible, their assent may be given beforehand. I realize that many things can happen toward the end of a session; but I assure the Senate that so far as the Senator from Montana is concerned, if he has any control over certain events which sometimes happen, they will not happen.

Mr. LAUSCHE. Mr. President, I shall assume a part of the responsibility for the unanimous-consent agreement which was entered into with respect to the aquarium bill. I vigorously oppose the aquarium bill. I concur in the statement of the Senator from Oregon that there are thousands of places in which \$20 million, \$15 million, or \$10 million could be more intelligently and humanely spent than on the project contemplated by the aquarium bill. I think the leadership and the President ought to tell the Senate to lay this bill aside.

I wish to relate my experience with respect to this subject, and I desire to have the Senator from California [Mr. ENGLE], especially, listen to it. There was a meeting about 2 months ago at which about 30 persons were present. Those 30 persons comprised Representatives, both Republican and Democratic. The one who presided is a Member of the House of Representatives. The implication was made that the Senator from Ohio—I was not identified, but I was the person in contemplation—believed he had achieved something by having the amount reduced from \$20 million to \$10 million. I was astounded by the remarks which were made. To those 30 people, the statement was made: "The Senate will approve \$10 million. The House approved \$20 million. He might as well understand now that the amount which will be agreed upon in conference will be \$15 million." I repeat: That statement was made in the presence of, I should say, 30 Representatives, and was directed at me, because I made a fight against the bill.

Mr. President, the aquarium bill is nothing but a political operation. Why should a \$15 million aquarium be built in Washington merely to invite visitors, of whom 8 million are already coming into the city each year? To build such an aquarium would be imprudent. It is unjustified. It is an insult to the people of the country, who are struggling to pay taxes. If ever a measure came before this body as to which the President ought to put thumbs down, this is it.

We are worrying over the flight of gold, worrying about lifting the debt ceiling, worrying about the depreciation of the dollar. Yet this scandalous bill is presented to us, a bill which contemplates the building of this aquarium at an expenditure of \$15 million.

Mr. President, I hold the Senator from West Virginia [Mr. RANDOLPH] in the highest esteem, and I know he is not at all familiar with what transpired at the meeting referred to. He is a decent, honest man; and I know he honestly believes in the legitimacy of this project.

Mr. MORSE. Furthermore, Mr. President, the Senator from West Virginia [Mr. RANDOLPH] has a parliamentary responsibility, as a member of the Committee on Public Works, once this bill has been made the business of the Senate, to take the bill through the Senate. That is his job.

I join the Senator from Ohio in paying the highest respects to the ideals and the high principles of the distinguished Senator from West Virginia. Certainly he would not be a party to a subterfuge.

We found, that under a unanimous-consent agreement, a bill which shocked us was to be before the Senate. We intend to do all we can to have the bill defeated. If it were not for the unanimous-consent agreement, I assure the Senate that the bill would be defeated.

Mr. MANSFIELD. Mr. President, I join the Senators who have spoken in their remarks of commendation and praise of the distinguished Senator from West Virginia [Mr. RANDOLPH]. I have served for many years with him, and I have the highest respect and admiration for him.

BLOCKADE OF CUBA

Mr. MILLER. Mr. President, during the debate on the so-called Cuban resolution yesterday, in some of the statements made after the debate, and in all too many writings by some columnists, there has appeared the view that the imposition of a blockade with respect to war materiel destined for Cuba would be an act of war.

I had hoped that in my lengthy statement on this floor on September 6, I might have encouraged a little more thinking and research on this subject and a little less snap judgment on it than has occurred since then. But apparently my hopes have not been fulfilled.

In the September 21 issue of Life magazine, the lead editorial, entitled "What Should Monroe Doctrine Mean? Blockade," again goes into this subject, and, I suggest, reaffirms my view on it, and makes very clear that a snap judgment on it, without thought to the fine points of this matter, might well be wrong. I ask unanimous consent that this excellent editorial be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From Life magazine, Sept. 21, 1961]

WHAT SHOULD MONROE DOCTRINE MEAN? BLOCKADE

Khrushchev's arms buildup in Cuba is an insolent challenge to the Western Hemisphere which has so far drawn no adequate response from the President of the United States. The White House is wrapped in what appears to be indecision. A measure of indecision is understandable, for we have been skillfully ambushed by Khrushchev. But the President must act, and we urge him to invoke the Monroe Doctrine, a foundation stone of U.S. foreign policy, to prevent Castro's further import of Communist arms.

What has happened to the Monroe Doctrine? When Khrushchev pronounced it dead 2 years ago Eisenhower denied it, and so has Kennedy. But Khrushchev is evidently trying to prove it dead or to find out what it means. Being unilateral, the doctrine has always meant just what the United States says it means, including what kind of colonization it is intended to forbid. But to mean anything to Khrushchev, the doctrine needs a fresh definition of the kind the United States will risk a fight for. Kennedy owes the world that clarification.

In his statement admitting the Cuban buildup, Kennedy said it is not yet a serious military threat to the United States. He made a distinction (hardly tenable) between offensive and defensive weapons, implying that a continued buildup will raise the

"gravest issues"—i.e., issues of U.S. preventive action. We suggest that the issue is sufficiently grave already; that the presence of massive Soviet arms and soldiers in this hemisphere is hostile to the Monroe Doctrine, and that it should be specifically defined to exclude them. Russian arms have turned Cuba into a Russian colony as abject as East Germany. If not yet a threat to the continental United States, they are such to the harassed governments of Venezuela, Guatemala, Honduras, and several other members of our hemisphere security system, not to mention our Marine base at Guantanamo or the Panama Canal. And they are a political threat to the U.S. position as a world power.

How then can Kennedy stop further Communist arms to Cuba and make an updated Monroe Doctrine stick? He has taken some first steps. He is bringing pressure on our NATO allies not to let their ships be chartered for this traffic. Dean Rusk has proposed an informal meeting of Western Hemisphere foreign ministers to discuss possible OAS action. Moreover, Kennedy has promised to continue helping Caribbean nations patrol their shores against arms smuggled from Cuba.

These steps are not enough. The next one, we suggest, is that the U.S. Navy, with whatever Latin American support we can muster, stop and search all vessels, especially Soviet vessels, entering Cuban waters and suspected of carrying more Soviet arms or men. The men would be sent home, the arms dumped in the sea.

Rusk has discouraged blockade talk on the ground that it would be "an act of war." But a blockade against armaments is less warlike than Khrushchev's massive arming of Castro. It is less bellicose than Khrushchev's irresponsible rodomontade of last week, in which he accused the United States of plotting an invasion of Cuba and threatened nuclear war. An arms blockade—although it may mean war—is not necessarily a formal act of war, especially if the 139-year-old Monroe Doctrine is interpreted to require it.

In so interpreting it, we must of course seek assent from our Latin allies, with whom we have increasingly shared responsibility for the doctrine's definition since 1933. But we have not surrendered this responsibility; the Latins are inclined to evade it; and our whole hemisphere security system depends in the last analysis on U.S. power. Said Kennedy last year: "If the nations of this hemisphere should fail to meet their commitments against outside Communist penetration * * * this Government will not hesitate in meeting its primary obligations which are to the security of our Nation."

It is true that U.S. interests and security are now global, not merely hemispheric. Kennedy himself seems unduly impressed with Khrushchev's argument that if we support NATO bases near Russia's Turkish border, why can't Russia have bases in our backyard? Though our interests are global, we have a prior commitment to this hemisphere; and there is no law telling us we must not resist aggression until our declared enemy is as worldwide as we.

The Soviet buildup near Florida is the most direct challenge to the Monroe Doctrine since Maximilian invaded Mexico. The reassertion of the doctrine against this threat will reassure our uneasy allies and put spine in the inter-American system. Above all, it will let Khrushchev know that Kennedy, who once said, "Our restraint is not inexhaustible," is not the victim of permanent indecision. A blockade has its dangers, including that of physical sailor-to-sailor contact with the enemy, though the conflict will remain as limited as Khrushchev desires. There is far greater danger in continued piecemeal acceptance of the worldwide Communist advance.

TRIBUTE TO MRS. VIRGINIA WELDON KELLY

Mr. STENNIS. Mr. President, I have dealt with our military construction authorization and appropriations bills for almost 10 years.

During that time, I have never found an individual more alert or more interested in certain items in these bills, or more concerned about the welfare of our entire military personnel than Mrs. Virginia Weldon Kelly. She has shown a particular concern for military hospitals, including the Naval Hospital at Long Beach, Calif.

Mrs. Kelly is a capable and courageous member of the fourth estate.

Mrs. Kelly has been especially interested in the Long Beach Naval Hospital, because she had personal knowledge of the great need for such a hospital in that busy west coast area.

Many, many times I have heard her express her humanitarian interest in the welfare of our military personnel, both enlisted and officer. I know this interest is genuine as her very warm heart has reflected for many years.

In view of my observations of Mrs. Kelly and her generous interest and concern for the welfare of military personnel and their families, I have made special inquiry to learn more about her activities.

On inquiry, I have learned the following facts:

Mrs. Kelly, wife of retired Rear Adm. Thomas J. Kelly, has devoted much of her spare time as a Navy relief volunteer and Red Cross volunteer, on duty in military hospitals helping to care for the sick and wounded members of our armed services and their wives and children.

During World War II, when her husband was then at sea, Mrs. Kelly lived in Long Beach. Since 1946 Admiral and Mrs. Kelly have lived in Washington where she has been a member of the Congressional press corps for 15 years.

Long Beach did have a naval hospital during World War II, but it was later turned over to the Veterans' Administration, which continues to operate it.

Throughout the years hundreds of servicemen have written Mrs. Kelly, urging her to assist in getting a new hospital for Long Beach.

Before the Korean war, the Long Beach Naval Shipyard closed, causing much unemployment in that area.

Mrs. Kelly took up her pen and wrote newspaper editorials urging the shipyard be reopened. In 1951, it did open again and is still operating.

Other activities in the busy life of Mrs. Virginia Kelly include:

Assistance in organizing the first Navy Wives Club in Seattle during World War II.

Service as a sponsor of a class of reserve midshipmen at the U.S. Naval Academy. She spent a year of her spare time repairing 3,000 hymnals at the academy chapel.

Ever mindful of the needs for military servicemen, she has spent hours as a volunteer worker at Walter Reed Hospital in Washington, and has pushed for

Oct 1, 1962

11. CENSUS REPORTS. The Post Office and Civil Service Committee reported with amendment S. 3631, to preserve the confidential nature of copies of reports filed with the Bureau of the Census on a confidential basis (S. Rept. 2218). p. 20245
12. BUDGETING. Passed without amendment H. R. 10613, to repeal subsection (d) of Sec. 16 of the Administrative Expenses Act of 1946 which requires detailed budget estimates for appropriations to be used for purchase or hire of passenger motor vehicles or for purchase, maintenance, or operation of aircraft. This bill will now be sent to the President. p. 20249
13. LATIN AMERICA. Sen. Morse inserted an address by the president of the Inter-American Development Bank, "Latin America: Economic Integration and Political Reintegration," pp. 20330-3

HOUSE

14. WHEAT. By a vote of 255 to 60, passed under suspension of the rules H.R. 13241, to amend Sec. 309 of the Food and Agriculture Act of 1962 to provide that a farm marketing quota on the 1963 crop shall be applicable to any farm on which acreage of wheat exceeds the smaller of 15 acres or highest number of acres planted to wheat on the farm in calendar years 1959, 1960, 1961 or 1963 (instead of 1959, 1960, or 1961) (pp. 20403-10). The Agriculture Committee earlier reported this bill without amendment (H. Rept. 2497) (p. 20443).
The Agriculture Committee reported with amendment H. R. 13188, to amend the 1963 wheat provisions of the Food and Agriculture Act of 1962 to permit the Secretary of Agriculture to make adjustments in yields of wheat to reflect any increases in yields as the result of the adoption of the improvement of an irrigation system. (The adjusted yields can be used in determining diversion payments of the first 20% reduction in wheat acreage and in determining the normal production of the 1963 acreage for purposes of price support payments.) (H. Rept. 2505). p. 20443
15. FARM PROGRAM. Rep. Cooley inserted a descriptive summary of the Food and Agriculture Act of 1962. pp. 20410-2
Rep. Hoeven criticized the farm legislation enacted during the 87th Congress and said, "The only thing that this administration offers is controls and more controls." pp. 20439-41
16. ANIMAL DISEASE. Passed without amendment S. 3120, to grant the Secretary of Agriculture additional authority to permit the interstate movement of certain diseased livestock and poultry. This bill will now be sent to the President. p. 20352
17. RICE. Passed without amendment S. 3152, to provide for the nutritional enrichment and sanitary packaging of rice prior to its distribution under certain Federal programs, including the national school lunch program. This bill will now be sent to the President. p. 20352
18. LANDS. Passed without amendment H. R. 11111, to amend the Act of October 4, 1961, authorizing the Secretary of Agriculture to sell and convey certain forest lands in Iowa so as to provide that such sale shall be subject to the condition that the property be used for public purposes. p. 20352
19. CROP INSURANCE. At the request of Rep. Abernethy, passed over without prejudice S. 2859, to amend the Federal Crop Insurance Act, as amended, in order to

increase from 100 to 150 the number of new counties in which crop insurance may be offered each year. p. 20352

20. SCHOOL LUNCH. House and Senate conferees were appointed on H. R. 11665, to revise the formula for apportioning cash assistance funds among the States under the National School Lunch Act. pp. 20349, 20299

Passed without amendment S. J. Re. 211, providing for the establishment of an annual National School Lunch Week. This bill will now be sent to the President. p. 20350

21. APPROPRIATIONS. The Appropriations Committee reported H. R. 13290, making supplemental appropriations for 1963 (H. Rept. 2507)(p. 20443). Permission was granted to bring this bill up any time on Wednesday or thereafter. p. 20345

Conferees were appointed on H. R. 12276, the District of Columbia appropriation bill for 1963. Senate conferees have already been appointed. p. 20345

22. MINERALS. Concurred in the Senate amendment to H. R. 11049, to provide for the relief of certain oil and gas lessees under the Mineral Leasing Act. This bill will now be sent to the President. p. 20349

23. CENSUS. Passed without amendment H. R. 11950, to provide for taking of the economic census one year earlier starting in 1968. p. 20351

The Rules Committee reported a rule for the consideration of H. R. 10569, to amend title 13, U.S.C., to preserve the confidential nature of copies of information filed with the Bureau of the Census on a confidential basis. pp. 20396, 20443

24. PERSONNEL. Passed without amendment S. Con. Res. 53, favoring travel by legislative and Government employees on U. S. air flag carriers. p. 20351

By a vote of 309 to 19, passed ^{under} suspension of the rules H. R. 5698, to extend the apportionment requirement in the Civil Service Act of January 16, 1883, to temporary summer employment. pp. 20376-96

25. QUARANTINE. Passed without amendment H. R. 683, to authorize the Donna-Rio Bravo Bridge Company to construct, maintain, and operate a toll bridge across the Rio Grande near Donna, Texas. p. 20351

26. MIGRATORY BIRDS. Passed with amendment S. 3504, to authorize the appropriation of \$7500 for expenses of the Migratory Bird Conservation Commission. p. 20353

27. PAY BILL. By a vote of 327 to 22, passed under suspension of the rules a resolution sending H. R. 7927, the postal increase and pay bill, to conference, House and Senate conferees were appointed. pp. 20365-72, 20292

28. FISHERIES. Passed without amendment S. 3431, to consent to the amendment of the Pacific Marine Fisheries Compact and to participation of certain additional States in such compact. This bill will now be sent to the President. pp. 20353-4

Agreed to the conference report on S. 901, the proposed Oceanographic Act of 1962. pp. 20412-3

The Merchant Marine and Fisheries Committee reported with amendment H. R. 9547, to amend the Fish and Wildlife Act of 1956 with regard to the import for sale within the U. S. of salmon taken on the high seas of the North Pacific Ocean (H. Rept. 2498). p. 20443

YUGOSLAV LIBERALS WARNED TO HEED PARTY LINE—TITO AID TELLS COMMUNISTS DEVIATION IS BARRED; RANKOVIC PRESSES CAMPAIGN TO ENFORCE DISCIPLINE

(By Paul Underwood)

BELGRADE, YUGOSLAVIA, July 22.—A top Yugoslav Communist warned today that ideological deviations and "liberalist conceptions" would no longer be tolerated in the Yugoslav party organization.

Speaking at the opening session of a 2-day meeting of the party's executive committee, Aleksander Rankovic, the party's secretary and one of Yugoslavia's four vice presidents, emphasized that complete adherence to party doctrine would be demanded of every member.

This article was written after a majority of Senators had accepted the arguments, that assistance should be given to Yugoslavia, or at least that the President should be allowed to do so. Tito felt the pie counter had been opened to him again, so what did he do?

On July 23, Paul Underwood, writing for the New York Times, reported as follows:

TITO BACKS CURBS ON LIBERAL TREND—TELLS PARTY MEETING REGIME HAS BEEN TOO LENIENT ON YUGOSLAVIA'S AUTHORS

(By Paul Underwood)

BELGRADE, YUGOSLAVIA, July 23.—President Tito said today that the new retreat from liberalism in Yugoslavia would affect cultural life as well as politics.

Speaking at the close of a 2-day meeting of the Yugoslav Communist Party's Central Committee, Marshal Tito declared that his regime had gone too far in allowing writers freedom of expression.

Although observers generally agree that Yugoslav writers actually have had less freedom of expression than, for instance, Polish authors, the Yugoslav President asserted:

"We have had a very liberal attitude. We shrugged our shoulders, thinking nobody would be harmed if we allowed people to say and write what they wanted.

"In this we have gone too far. We certainly do not want to teach writers and tell them what they must write, but we will not allow anyone to write nonsense and caricature and distort our social life."

Anyone who believes that under the influence of American aid Yugoslavia has become more liberal has only to look at the facts of life, because this action has taken place in the past few weeks—certainly within the past couple of months. It has taken place since Congress acted to permit the President to continue aid to Yugoslavia.

On August 15, Paul Underwood, in another account from Belgrade, reported in the New York Times:

In the midst of its third straight unsatisfactory harvest, the Tito regime has decided to take direct action to enlarge the "Socialist sector" of Yugoslav agriculture.

The specific target will be the thousands of peasants who work at other jobs in addition to taking care of small landholdings.

On the basis of what spokesmen have said, it is evident that the regime plans to use taxation to force the peasants to choose between being workers or farmers. There appears to be an assumption by the Government that those choosing farming would have to join agricultural cooperatives to maintain their standard of living.

In other words, Tito has not only tightened his grip on the Yugoslav society in terms of freedom of speech, in terms of adherence to the party line, but he has also insisted on a further social-

ization and communization of the agricultural section of the economy.

On July 20, a little earlier, but after Congress had acted to permit the President to give aid to Yugoslavia, another article by Mr. Paul Underwood was published in the New York Times. The article reads, in part:

President Tito's regime is cutting down still further the tiny area in which private business is permitted to function in Communist Yugoslavia's economy.

Under new regulations, private taxis will be eliminated within a year. Private trucking and hauling will also be banned within 12 months.

Craftsmen will not be permitted to engage in general production, but will be limited to performing services. Private craftsmen, moreover, will be barred from working on building projects financed with public funds.

Finally, Mr. Victor Riesel, in an article published in the Milwaukee Sentinel, in July wrote:

On June 28, a Communist Chinese delegation in Belgrade signed a \$6 million trade agreement with the Yugoslav Government. When the Belgrade government officially announced this it reported an agreement with the Chinese Peoples Republic.

That is Mao Tse-tung's Peiping government. That is the enemy. If we're not fighting the Communist Chinese now in South Vietnam, then we're sending those helicopters out to shadowbox with smoke columns. Obviously Marshal Tito is aiding our enemy. With what?

The Belgrade-Peiping agreement calls for Yugoslavia to send aluminum and copper products, seamless tubes, cellulose, chemicals, polyvinyl chloride, tools, cables, tractors, as well as consumer goods. If most of these goods are not potential war material, Tito is czar Nicholas in disguise.

All this has been going on since March 25, 1960. A new agreement is signed each year. This means Tito has been sending Peiping millions of dollars worth of vital equipment while we have been lending him millions.

Mr. President, this is an old situation. A similar proposal has been adopted after many days of debate in the Senate this year and in past years. This year the Senate won a victory by providing that no development loan should be made available to Yugoslavia; and the bill as passed by the Senate did not provide any Presidential discretion in that connection. However, after the Senate modified the provision in that way, the conferees gave in to the House position and agreed to the House language.

Now this battle has been won in the House, and those in the House who wished to go on record politically against aid to Yugoslavia have done so; but now they apparently expect the Senate to "take them off the hook."

Mr. President, the issue is very clear. Senators who oppose aid to Yugoslavia should vote "No" on the question of agreeing to this committee amendment, for it is clear that if the committee amendment is enacted, our aid will continue to go to Yugoslavia.

The PRESIDING OFFICER. The time the Senator from Wisconsin has yielded to himself has expired.

Mr. PROXMIRE. Mr. President, I yield myself 1 more minute.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for 1 more minute.

Mr. PROXMIRE. Mr. President, it is clear that under the advise and consent clause of the Constitution, the Senate has every right to insist on having its views in connection with such matters respected. How would an amendment providing that no aid shall be given to a Communist country interfere with the President's exercise of discretion in carrying on the foreign policy of the United States? After all, the Constitution does not delegate to the President the legislative power. I cannot understand why every time some of us take a position against a proposal which cannot be defended on any other ground, it is argued, "You must trust the President." I was elected by the people of Wisconsin; and my responsibility is to them, not to the President. I agree with most of the proposals contained in this bill; but I see no reason why, in dealing with even a small amount of aid to Yugoslavia or Poland, we cannot say "No." Otherwise, one would be forced to conclude that the advise and consent clause of the Constitution gives the Senate no effective voice. However, I believe that provision of the Constitution means something.

REVISION OF FORMULA FOR APPORTIONING CASH ASSISTANCE FUNDS TO STATES UNDER NATIONAL SCHOOL LUNCH ACT

Mr. ELLENDER. Mr. President, I ask the Chair to lay before the Senate a message from the House on House bill 11665.

The Presiding Officer (Mr. PELL in the chair) laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 11665) to revise the formula for apportioning cash assistance funds among the States under the National School Lunch Act, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. ELLENDER. I move that the Senate insist upon its amendments, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. JORDAN of North Carolina, Mr. EASTLAND, Mr. YOUNG of Ohio, Mr. HART, Mr. HICKENLOOPER, Mr. YOUNG of North Dakota, and Mr. COOPER conferees on the part of the Senate.

FOREIGN AID AND RELATED AGENCIES APPROPRIATIONS, 1963

The Senate resumed the consideration of the bill (H.R. 13175) making appropriations for foreign aid and related agencies for the fiscal year ending June 30, 1963, and for other purposes.

Mr. DODD. Mr. President—
Mr. PROXMIRE. I yield 3 minutes to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut is recognized for 3 minutes.

Mr. DODD. Mr. President, I merely wish to go on record again in support of the position the Senator from Wis-

consin has taken on this phase of the bill.

It seems to me the record is perfectly clear, and I think the arguments submitted by the Senator from Wisconsin are unanswerable.

In reply, we are met with the worn out argument that we should not tie the President's hands; that he has this power, and that we cannot say "no." But, Mr. President, that argument is so threadbare and worn out that the American people now see through it. After all, the Gallup poll shows that 75 percent of the people of the country are opposed to this sort of business. I know from the considerable amount of mail which I receive from my constituents that they are opposed to this sort of thing.

Nevertheless, we seem to be unable to work our will, because every time we try to do what our constituents want, we are deflected from our goal by softening language which renders our amendments meaningless.

Mr. President, I think that, at least to some extent, confusion is caused by that sort of thing.

I commend the Senator from Wisconsin for his forthright, direct approach to this problem.

We have seen such efforts to avoid, by backpeddling or backing away, the issue which confronts us. It is easy to do that and to make speeches about the constitutional system; and it may be that for a while such a position will appear to satisfy those on both sides of the fence. But sooner or later one's words will come back to haunt him, as they have come back to haunt other Members of this body.

Mr. President, I cannot believe that any Member of the Senate does not believe in his own heart that we are facing an implacable enemy, that Yugoslavia is as much our enemy as is Communist Soviet Russia, also that Communist Poland is as much our enemy as is Communist Soviet Russia, and that the distinctions and differences that are drawn between them are only in degree, not in kind.

So I say to the Senator from Wisconsin and to those who have stood with him in this fight—not only this year, but also last year and in previous years—that perhaps we are serving a useful purpose, even though this fight has been wearisome and discouraging. I have no illusion about the result of the vote which is about to be taken, because I have seen this fight waged before. I saw it 9 years ago, when I was serving in the other body. It was argued that Yugoslavia and Poland needed such help if they were to get away from the Kremlin. They have had many long years to get away from the Kremlin; but the record shows that every year they are getting closer to the Kremlin; and each year, while our people are being taxed more and more, some of their taxes are used to give this aid and comfort to our enemies.

So the Senator from Wisconsin and others of us have been making this struggle because we believe it is necessary to face the facts of life, rather than

to ignore them. That is why I am backing the position taken by the Senator from Wisconsin, who has been a leader in this fight. He seems to be able to see the issue clearly, in a way that many others do not. I am confident that time will justify his stand.

The PRESIDING OFFICER. The time yielded to the Senator from Connecticut has expired.

Mr. HUMPHREY. Mr. President, I yield 1 minute to the Senator from Wyoming [Mr. McGEE].

The PRESIDING OFFICER. The Senator from Wyoming is recognized for 1 minute.

Mr. McGEE. Mr. President, it is said that we are trying to soften our assault on the Soviet Union. But, Mr. President, the purpose of giving the President the discretionary power provided by means of the pending committee amendment is to increase the fluidity of our capability of coping with the Soviets. In the interest of strengthening our position in our struggle against the Soviets, certainly we cannot afford to refuse to give aid to a country which is engaged in a struggle with the Soviets.

I believe it was Machiavelli who taught, long ago, that in war, where no holds are barred, one of the best ways to strengthen one's position against one's enemy is in the area of weakening his strength by giving encouragement to his allies when they differ with him. We may be sure that when the men in the Kremlin are projecting their determination against us, they are not neglecting giving consideration to those who are our friends; likewise, we may be sure that if those in the Kremlin think they can harm our friends, they will not hesitate to do so. But certainly that can be a two-way street; and certainly we should not neglect any opportunity to forge even tighter the circle around the Soviet Union. But, Mr. President, in doing that, words are not enough; and positive aid by us to those who disagree with the Soviets is very important.

It seems to me that is precisely the point in connection with this amendment. The amendment does not provide that the President may be "soft" in dealing with Yugoslavia or with any other country or area. The amendment only gives the President authority to make a decision; namely, to decide in favor of giving aid to such a country if he believes such aid and assistance will be in the national interest.

I submit that the judgment of the President on this question, and the confidence of the Congress on this question, ought to be sufficient in the national interest to make our case for the discretionary authority that this simple committee amendment suggests.

I remind the Senate on that point that we are only enforcing here, in another context, the sort of thing we just enacted in the preceding amendment.

I remind Senators, further, of an old adage that is commonplace in the power politics of the world, ugly as it must become almost intermittently and that is, "When your house is on fire is no time to inquire into the morals of those who carry the water buckets," and that it is

imperative and incumbent upon us at this time to use every available capability, including that of eroding behind the iron curtain the so-called sources of strength of the men in the Kremlin.

Mr. SALTONSTALL. Mr. President, will the Senator yield me 2 or 3 minutes?

Mr. McGEE. Yes, I yield to the Senator from Massachusetts.

Mr. SALTONSTALL. The situation with respect to this amendment is almost exactly the same as it was relating to the amendment just defeated. This amendment contains the language of subsection (f), section 620, of the authorization act passed 2 months ago.

I invite the attention of Senators to the fact that in the previous sections concerning Cuba and importations into Cuba, the President has to find it contrary to the national interest. In respect to the amendment we are now considering, the restriction may not be waived pursuant to any authority contained in this act unless the President finds and promptly reports to the Foreign Relations and Appropriations Committees of the two Houses that:

(1) Such assistance is vital to the security of the United States; (2) the recipient country is not controlled by the international Communist conspiracy; and

(3) such assistance will further promote the independence of the recipient country from international communism. For the purposes of this subsection, the phrase "Communist country" shall include specifically, but not be limited to, the following countries.

A number of countries are listed, as was done in the authorization act.

In other words, before the President can give any aid, he must affirmatively find that it would be vital to the security of the United States.

As we adopted the language of the committee in the last amendment, and defeated the amendment to strike that language out, I hope we will take the same action in this case, because this language is stronger. The President has less discretion. I believe we should leave alone the amount of discretion we have provided in the bill.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. SALTONSTALL. I yield.

Mr. HUMPHREY. As the Senator knows, the language the Committee on Appropriations placed in the bill is identical word for word, with the language in the authorization act which was adopted by the same Senate—

Mr. SALTONSTALL. On August 1, 1962.

Mr. HUMPHREY. On August 1, 1962. So we have already approved this language in the authorization act. We have carried it over into the appropriations bill. So there can be no question about the seriousness of the purpose of the language.

Mr. KEATING. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. KEATING. I am opposed to loans or grants to Poland or Yugoslavia, and I have been for years. But this language provides that no assistance shall be furnished to Communist countries—and it lists them—and it states that the re-

until today at a time when the campus could be patrolled under the light of day and students would be assembled in the classrooms. But Federal powers ignored the pleas of sensible men, demanded that the show must go on, their way, as they planned it.

So, in the darkness of night they marched their marshals onto the campus. They were dressed like medieval gladiators, brandishing tear gas guns, clubs and firearms. The TV show then went on. The setting produced the inevitable.

For the third time, we again implore the President to face the inevitable and call off this effort to force this man into the University of Mississippi.

SCHOOL LUNCH PROGRAM

Mr. BAILEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 11665) to revise the formula for apportioning cash assistance funds among the States under the National School Lunch Act, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and ask for a conference with the Senate.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia? The Chair hears none, and appoints the following conferees: Messrs. POWELL, BAILEY, BRADEMAs, O'HARA of Michigan, KEARNS, FRELINGHUYSEN, and QUIE.

CORRECTION OF RECORD

Mr. ALBERT. Mr. Speaker, on behalf of the gentleman from New York [Mr. POWELL], I ask unanimous consent that the permanent RECORD be corrected for September 20, 1962, page 19027, by deleting from line 23, column 2, beginning with "Mr. Speaker" through line 5, column 3, ending "without student aid."

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

AMENDMENT OF MINERAL LEASING ACT OF FEBRUARY 25, 1920

Mr. EDMONDSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 11049) to amend the Mineral Leasing Act of February 25, 1920, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert: That section 31 of the Mineral Leasing Act of February 25, 1920 (41 Stat. 450), as amended (30 U.S.C. 188), is further amended by designating the first paragraph thereof as subsection "(a)", the second paragraph as subsection "(b)", and adding two new subsections to read as follows:

"(c) Where any lease has been terminated automatically by operation of law under this section for failure to pay rental timely and it is shown to the satisfaction of the Secretary of the Interior that the failure to pay timely the lease rental was justifiable or not due to a lack of reasonable diligence, he in his judgment may reinstate the lease subject to the following conditions:

"(1) A petition for reinstatement, together with the required rental, for any lease (a) terminated prior to the effective date of this Act must be filed with the Secretary of the Interior within one hundred and eighty days after the effective date of this Act;

"(2) No valid lease has been issued affecting any of the lands in the terminated lease prior to the filing of the petition for reinstatement.

"(d) Where, in the judgment of the Secretary of the Interior, drilling operations were being diligently conducted on the last day of the primary term of the lease, and, except for nonpayment of rental, the lessee would have been entitled to extension of his lease, pursuant to section 4(d) of the Act of September 2, 1960 (74 Stat. 790), the Secretary of the Interior may reinstate such lease notwithstanding the failure of the lessee to have made payment of the next year's rental, provided the conditions of subparagraphs (1) and (2) of section (c) are satisfied."

Sec. 2. Nothing in this Act shall be construed as limiting the authority of the Secretary of the Interior to issue, during the periods in which petitions for reinstatement may be filed, oil and gas leases for any of the lands affected.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. GROSS. Reserving the right to object, Mr. Speaker, the amendment is not completely clear. Will the gentleman say the amendment is completely germane to the bill?

Mr. EDMONDSON. It is completely germane to the bill. The intent of the bill is to prevent an injustice being done to some people who have had mineral leases canceled through no fault of their own. That is completely the intent of the bill.

Mr. GROSS. The amendment added by the other body is strictly germane to the bill?

Mr. EDMONDSON. In my judgment it is, yes.

Mr. SAYLOR. If the gentleman will yield, there is no doubt about it. It is germane.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The amendment was concurred in.

A motion to reconsider was laid on the table.

CHEROKEE NATION OR TRIBE OF INDIANS OF OKLAHOMA

Mr. HALEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 11590) to provide for the disposition of judgment funds of the Cherokee Nation or Tribe of Indians of Oklahoma, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 4, lines 4, 5, and 6, strike out "first, but there are authorized to be appropriated not to exceed \$500,000 to reimburse the judgment fund and the interest fund" and insert "first."

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

(Mr. EDMONDSON asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. EDMONDSON. Mr. Speaker, I want to thank the Members of this great legislative body for the swift consideration which has been given this most worthy measure.

Your action today, following your earlier unanimous approval of H.R. 11590 in August, is a reaffirmation of this great body's determination to expedite in every way possible the full measure of long-awaited justice due the Cherokee Indian people.

For their statesmanlike help in this effort, I am deeply grateful to the gentleman from Florida [Mr. HALEY] and to the gentleman from Colorado [Mr. ASPINALL], along with others on the great House Committee on Interior and Insular Affairs.

My thanks, and the thanks of the Cherokee people, also go to our great President Kennedy and to Secretary of Interior Udall, who have given their wholehearted cooperation in this legislative action.

I am confident President Kennedy will speedily sign the bill and thus pave the way for immediate action by the Department of Interior to distribute the judgment funds.

Along with Senators KERR and MONRONEY, who sponsored this measure in the other body, I had hoped this Congress could make a decision to assist in distribution costs required to place this award in the hands of the qualified Cherokees.

A provision providing \$500,000 for this purpose had been approved in this body in August, on the basis of equity as well as treaty and statutory commitments to the Cherokees.

Regrettably, we were unsuccessful in the Interior Committee of the other body in securing approval of this provision, and the executive committee of the Cherokee Nation reluctantly agreed to deletion of this provision in order to secure congressional action during this Congress.

The executive committee resolution, however, expressly stated that the Cherokees were not waiving their rights on this point, in agreeing to the deletion.

I am sure the question of Federal assistance on distribution costs will once again be brought before Congress when the 88th Congress convenes next January, either in the form of a bill for reimbursement or a bill to authorize litigation of the question.

We expect to consult with the Cherokee executive committee on this question after adjournment of this Congress, in order to agree upon the most desirable course of legislative action.

Some weeks ago I assured the Cherokees in Oklahoma that distribution would begin before the snows fell in Oklahoma.

The action of the Congress has now made good on that pledge.

With deep gratitude for your action, I pledge today to do all in my power to expedite congressional review of the distribution post question in the 88th Congress, if I am privileged to be a Member of that Congress.

I hope and trust this great body will, at that time, extend to the Cherokees the same generous and just consideration which has distinguished your action on this bill.

NATIONAL SCHOOL LUNCH WEEK

Mr. ROGERS of Colorado. Mr. Speaker, I ask unanimous consent for the immediate consideration of the joint resolution (S.J. Res. 211) providing for the establishment of an annual National School Lunch Week.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

Mr. GROSS. Mr. Speaker, reserving the right to object, is this bill not on the Consent Calendar for today?

Mr. ROGERS of Colorado. It is on the Consent Calendar, but it was placed on the calendar too late to be considered today.

Mr. GROSS. Is there some reason why this has to be passed at this time instead of on the regular call of the calendar?

Mr. ROGERS of Colorado. Yes, because this provides that the second week of October each year shall be declared to be National School Lunch Week by the President, and, if it is not passed today, then it will be too late for this year.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the seven-day period beginning on the second Sunday of October in each year is hereby designated as National School Lunch Week, and the President is requested to issue annually a proclamation calling on the people of the United States to observe such week with appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GOLD MEDAL TO DOUGLAS A. MACARTHUR

Mr. HARDY. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate joint resolution (S.J. Res. 228) authorizing the issuance of a gold medal to General of the Army Douglas MacArthur.

The Clerk read the title of the Senate joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in recognition

of the gallant service rendered by General of the Army Douglas MacArthur to his country, the President of the United States is authorized to award to General of the Army Douglas MacArthur, in the name of Congress, an appropriate gold medal. For such purpose the Secretary of the Treasury is authorized and directed to cause to be struck a gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary.

SEC. 2. The Secretary of the Treasury is authorized and directed to coin and furnish to the MacArthur Memorial Foundation not more than five hundred thousand copies in bronze of such medal, of such size or sizes as shall be determined by the Secretary in consultation with the MacArthur Memorial Foundation. The medals shall be made and delivered at such times as may be required by the MacArthur Memorial Foundation in quantities of not less than two thousand. The medals shall be considered to be national medals within the meaning of section 3551 of the Revised Statutes.

SEC. 3. The Secretary of the Treasury shall cause such gold medals and such bronze medals to be struck and furnished at not less than the estimated cost of manufacture, including labor, materials, dies, use of machinery, and overhead expenses; and security satisfactory to the Director of the Mint shall be furnished to indemnify the United States for the full payment of such cost.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CONSENT CALENDAR

The SPEAKER. This is the day for the call of the Consent Calendar. The Clerk will call the first bill on the Consent Calendar.

PRINCE GEORGES COUNTY SCHOOL BOARD, MARYLAND

The Clerk called the bill (H.R. 6759) for the relief of the Prince Georges County School Board, Maryland.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa? There was no objection.

AMENDING MERCHANT MARINE ACT, 1936, PROVIDING FOR REIMBURSEMENT OF CERTAIN VESSEL CONSTRUCTION EXPENSES

The Clerk called the bill (H.R. 11587) to amend the Merchant Marine Act, 1936, in order to provide for the reimbursement of certain vessel construction expenses.

Mr. FORD. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

FURNISHING COURT QUARTERS AND ACCOMMODATIONS

The Clerk called the bill (S. 3156) to amend section 142 of title 28, United States Code, with regard to furnishing court quarters and accommodations at

places where regular terms of court are authorized to be held, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. FORD. Mr. Speaker, reserving the right to object, I do not intend to object nor do I intend to ask that this bill be passed over without prejudice, but I have considerable misgivings about this legislation. On the other hand, there is some merit to the aim and objectives. I only hope and trust that the Committee on the Judiciary will keep their finger on the overall problem so that we do not have unnecessary additional Federal courtrooms established in practically every community in the Nation primarily for the convenience of the judiciary. I have been assured that the committee does intend to keep its eye on this situation. It has been my personal experience that in some instances the judiciary are completely without responsibility as far as the taxpayers of this country are concerned when it comes to the construction of courtroom facilities. I must reiterate that if the committee finds there are abuses, it is then the obligation of the committee to come in and ask for the repeal of this legislation.

Mr. ROGERS of Colorado. Mr. Speaker, will the gentleman yield?

Mr. FORD. I yield.

Mr. ROGERS of Colorado. As you have outlined, it is the intention at least of the present membership of the Committee on the Judiciary to scrutinize every application for additional court facilities, and this is to assure you, so far as I am concerned and other members of the committee, at this time we certainly will watch with diligence to see that the taxpayers' money is not wasted in the construction or the authorization of new places in which to hold court.

Mr. FORD. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 142 of title 28, United States Code, is amended by adding at the end of such section the following: "The foregoing restrictions shall not, however, preclude the Administrator of General Services, at the request of the Director of the Administrative Office of the United States Courts, from providing such court quarters and accommodations as the Administrator determines can appropriately be made available at places where regular terms of court are authorized by law to be held, but only if such court quarters and accommodations have been approved as necessary by the judicial council of the appropriate circuit."

The bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

FEDERAL DISTRICT COURT FOR EASTERN DISTRICT OF NORTH CAROLINA

The Clerk called the bill (H.R. 8337) to amend section 113(a) of title 28, United States Code, to provide that Fed-

11. **LOANS.** Passed without amendment H. R. 12653, to amend the Consolidated Farmers Home Administration Act of 1961 in order to increase from \$150 million to \$200 million annually the amount of loans which may be insured under the Act. This bill will now be sent to the President. pp. 20491-2
Passed without amendment H. R. 946, to extend to oyster planters the benefits of the provisions of present law which provide for production disaster loans for farmers and stockmen. This bill will now be sent to the President. p. 20491
12. **SCHOOL LUNCH.** Both Houses received and the Senate agreed to the conference report on H. R. 11665, to amend the National School Lunch Act so as to revise the formula for apportioning cash assistance funds to States to base it on the number of lunches served in the preceding year and a slightly modified assistance need factor (instead of on the number of children aged 5 to 17 and the assistance need factor) and provide for a three-year transition to the new formula (25 percent of the funds being apportioned on the new formula the first year, 50 percent the second year, and 75 percent on the new formula the third year)(H. Rept. 2512). pp. 20535, 20595-6, 20571, ~~20650~~
13. **FOREIGN AID APPROPRIATION BILL, 1963.** By a vote of 57 to 24, passed with amendments this bill, H. R. 13175. Conferees were appointed. pp. 20446-68, 20494-5, 20500-03, 20510-3
14. **WORLD FOOD CONGRESS.** The Foreign Relations Committee reported with amendment S. 3679, to authorize appropriations to enable the U. S. to extend an invitation to the Food and Agricultural Organization of the U. N. to hold a World Food Congress in the U. S. in 1963 (S. Rept. 2263). p. 20514
15. **MINERALS.** Passed as reported S. 1696, to authorize the Secretary of the Interior to conduct a survey of federally-owned lands for the purpose of locating strategic minerals. pp. 20475-6
16. **TOBACCO.** Passed without amendment H. R. 12855, to amend the Agricultural Adjustment Act of 1938 providing for the lease and transfer of tobacco acreage allotments so as to exclude cigar-filler and cigar-binder tobacco, types 42, 43, 44, 53, 54, and 55 from the lease and transfer authority. This bill will now be sent to the President. p. 20492
17. **ELECTRIFICATION.** Passed as reported H. R. 10708, to amend the Rural Electrification Act of 1936 so as to authorize REA to finance communication facilities for the transmission of sounds, signals, pictures, writing, or signs as well as voice. p. 20492
18. **EDUCATION.** Passed as reported S. 3477, to provide a program to assist the States in further developing their programs of general university extension education to be operated by the State universities and land-grant colleges. pp. 20476-8
19. **FORESTRY.** Passed as reported S. 3370, to authorize the Secretary of Agriculture to relinquish to Wyo. jurisdiction over those lands within the Medicine Bow National Forest known as the Pole Mountain District. p. 20492
Sen. Yarborough inserted an article discussing the purpose and problems of the national parks, "National Parks - A National Issue." pp. 20492-3
20. **BONDING.** Received from Treasury a report on operations in connection with the bonding of Government officers and employees for fiscal year 1962. pp. 20513-4
21. **COMMUNICATIONS.** The Government Operations Committee reported without amendment H. R. 11899, to amend the Federal Property and Administrative Services Act so

as to provide for a Federal telecommunications fund (S. Rept. 2262). p. 20514

22. WATER POLLUTION. Passed without amendment H. R. 10617, to give the U. S. district courts concurrent original jurisdiction of cases involving the pollution of interstate river systems where the pollution is an alleged violation of an interstate compact and the signatory States have consented to such jurisdiction in their compact. This bill will now be sent to the President. pp. 20479-80
23. PUBLIC LANDS. Passed without amendment H. Con. Res. 574, to authorize the compiling and printing of a U. S. map showing the extent of public surveys, national forests, national parks, reclamation projects, etc. p. 20487
24. APPROPRIATIONS. Sen. Smathers submitted notice of his intention to suspend the rules for the purpose of proposing an amendment to H. R. 13290, the supplemental appropriation bill, so as to include the provisions of a recently passed bill to provide for retirement plans for self-employed individuals. pp. 20515-21
25. PASSED OVER the following bills:
 - S. 2225, to fix the fees payable to the Patent Office. p. 20473
 - H. R. 8140, to strengthen the laws relating to conflict of interest. p. 20480
26. LIBRARY. Sen. Jordan inserted a report of the Library of Congress on its functions and programs. pp. 20523-31
27. TRADE FAIRS. Conferees were appointed on S. 3389, to promote the foreign trade of the U. S. through the use of mobile trade fairs. House conferees have not yet been appointed. p. 20535
28. MIGRATORY BIRDS. Concurred in the House amendment to S. 3504, to authorize the appropriation of \$7500 for expenses of the Migratory Bird Conservation Commission. This bill will now be sent to the President. p. 20540
29. TRANSPORTATION. Agreed to the conference report on S. 320, to amend the Interstate Commerce Act so as to permit State commissions to grant the right to motor common carriers operating within a single State to engage in interstate or foreign operations within the State. This bill will now be sent to the President. pp. 20546-7
30. PATENTS. Passed as reported S. 2639, to amend title 35, U.S.C., to permit a written declaration to be accepted in lieu of an oath from applicants for patents or trademarks. pp. 20566-7
 - Passed as reported H. R. 12513, to provide for public notice of settlements in patent interferences. p. 20566
31. STATE-JUSTICE-COMMERCE APPROPRIATION BILL, 1963. This bill, H. R. 12580, was made the unfinished business of the Senate. p. 20567
32. WATERSHEDS. The "Daily Digest" states that the Public Works Committee "in executive session, approved the following watershed projects: Tobesoskee Creek Ga.; Cottonwood Creek, Okla.; Delaware Creek, Okla.; and Boulder Lake Watershed Wyo." p. D927
33. LEGISLATIVE PROGRAM. Sen. Mansfield announced that H. R. 8140, to strengthen the criminal laws relating to bribery, graft, and conflict of interest, will be considered on Wed., followed by the State, Justice, and Commerce appropriation bill; the conference report on the drug bill; and the conference report on the

AMENDMENTS TO THE NATIONAL SCHOOL LUNCH ACT

OCTOBER 2, 1962.—Ordered to be printed

Mr. POWELL, from the committee of conference, submitted the following

CONFERENCE REPORT

[To accompany H.R. 11665]

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11665) to revise the formula for apportioning cash assistance funds among the States under the National School Lunch Act, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same.

Amendment numbered 2:

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

SEC. 11. (a) There is hereby authorized to be appropriated \$10,000,000 for the fiscal year ending June 30, 1963, and such sums as may be necessary for each succeeding fiscal year to provide special assistance to schools drawing attendance from areas in which poor economic conditions exist, for the purpose of helping such schools to meet the requirement of section 9 of this Act concerning the service of lunches to children unable to pay the full cost of such lunches.

(b) Of the sums appropriated pursuant to this section for any fiscal year, 3 per centum shall be available for apportionment to Puerto Rico, the Virgin Islands, Guam, and American Samoa. From the funds so available the Secretary shall apportion to each such State an amount which bears the same ratio to the total of such funds as the number of free or reduced-price lunches served in accordance with section 9 of this Act in such State in the preceding fiscal year bears to the total number of such free or reduced-price lunches served in all such States in the preceding

fiscal year: *Provided, That for the fiscal year ending June 30, 1963, \$5,000 shall be apportioned to American Samoa, which amount shall be first deducted from the total amount available for apportionment under this subsection. If any such State cannot utilize for the purposes of this section all of the funds apportioned to it, the Secretary shall make further apportionment on the same basis as the initial apportionment to any such States which justify the need for additional funds for such purposes.*

(c) *Of the remaining sums appropriated pursuant to this section for any fiscal year, not less than 50 per centum shall be apportioned among States, other than Puerto Rico, the Virgin Islands, Guam, and American Samoa, on the basis of the following factors for each State: (1) the number of free or reduced-price lunches served in accordance with section 9 of this Act in the preceding fiscal year, and (2) the assistance need rate. These factors shall be applied in the following manner: First, determine an index for each State by multiplying factors (1) and (2); second, divide this index by the sum of the indices for all such States; and, third, apply the figure thus obtained to the total funds to be apportioned. Any funds so initially apportioned which cannot be used for the purpose of this section by the State to which apportioned, together with the remainder of the funds available under this subsection, shall be further apportioned by the Secretary on the same basis as the initial apportionment to such States which justify on the basis of operating experience the need for additional funds to meet the need of students in such States for free or reduced-price lunches in schools deemed eligible by their State educational agencies for special assistance in accordance with the factors set forth in subsection (e) of this section.*

(d) *Payment of the funds apportioned to any State under this section shall be made as provided in the last sentence of section 7 of the Act.*

(e) *Funds paid to any State during any fiscal year pursuant to this section shall be disbursed to selected schools in such State to assist such schools in the purchase of agricultural commodities and other foods. The selection of schools and the amounts of funds that each shall from time to time receive (within a maximum per lunch amount established by the Secretary for all the States) shall be determined by the State educational agency on the basis of the following factors: (1) The economic condition of the area from which such schools draw attendance; (2) the needs of pupils in such schools for free or reduced-price lunches; (3) the percentages of free and reduced-price lunches being served in such schools to their pupils; (4) the prevailing price of lunches in such schools as compared with the average prevailing price of lunches served in the State under this Act; and (5) the need of such schools for additional assistance as reflected by the financial position of the school lunch programs in such schools.*

(f) *If in any State the State educational agency is not permitted by law to disburse funds paid to it under this Act to nonprofit private schools in the State, the Secretary shall withhold from the funds apportioned to such State under subsections (b) or (c) of this section an amount which bears the same ratio to such funds as the number of free and reduced-price lunches served in accordance with section 9 of this Act in the preceding fiscal year by all nonprofit private schools participating in the program under this Act in such State bears to the number of such free and reduced-price lunches served during such year by all schools participating in the program under this Act in such State. The Secretary shall disburse the funds so withheld directly to the nonprofit private schools within such*

State for the same purposes and subject to the same conditions as are applicable to a State educational agency disbursing funds under this section.

(g) In carrying out this section, the terms and conditions governing the operation of the school lunch program set forth in other sections of this Act, including those applicable to funds apportioned or paid pursuant to sections 4 or 5 but excluding the provisions of section 7 relating to matching, shall be applicable to the extent they are not inconsistent with the express requirements of this section.

And the Senate agree to the same.

ADAM C. POWELL,
CLEVELAND M. BAILEY,
JOHN BRADEMAS,
JAMES G. O'HARA,
CARROLL D. KEARNS,
PETER FRELINGHUYSEN, Jr.,
ALBERT H. QUIE,
Managers on the Part of the House.

B. EVERETT JORDAN,
JAMES O. EASTLAND,
STEPHEN M. YOUNG,
PHILIP A. HART,
BOURKE B. HICKENLOOPER,
MILTON R. YOUNG,
JOHN SHERMAN COOPER,
Managers on the Part of the Senate.

STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11665) to revise the formula for apportioning cash assistance funds among the States under the National School Lunch Act, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

AMENDMENT NO. 1

This Senate amendment provides that the transition from the method of apportioning funds among the States under section 4 of the National School Lunch Act as now in effect to the method provided for in the bill would be made over a 3-year period. For the fiscal year beginning July 1, 1962, 75 percent of such funds would be apportioned under the old method and 25 percent under the new method. For the fiscal year beginning July 1, 1963, 50 percent of such funds would be apportioned under each method. For the fiscal year beginning July 1, 1964, 25 percent of such funds would be apportioned under the old method and 75 percent under the new method. Thereafter all such funds would be apportioned among such States on the basis of the new method provided in the bill.

Under the House bill, the transition from the old to the new method of apportioning funds among the States would have been achieved in a 1-year period. For the fiscal year beginning July 1, 1962, 50 percent of the funds would have been apportioned under each method. Thereafter all the funds would have been apportioned under the new method provided in the bill.

The House recedes and concurs in the Senate amendment.

AMENDMENT NO. 2

This Senate amendment rewrote in its entirety proposed section 11 of the National School Lunch Act as passed by the House. As amended by the Senate, section 11 provided for a flat 3 percent of such funds being apportioned to Puerto Rico, the Virgin Islands, Guam, and American Samoa solely on the basis of the number of free or reduced-price lunches served during the preceding year, except that American Samoa would receive \$5,000 the first year. Of the remaining 97 percent, at least half would have been apportioned among the remaining States on the basis of the number of free or reduced-price lunches served in the preceding year multiplied by the assistance need factor. The balance of the funds, plus any initially apportioned funds which could not be used, would have been apportioned on the same basis to States justifying a need for further funds. The need factor set out in clause (2) of section 11(a) as the bill passed

the House was omitted from the Senate amendment, since it could not be precisely determined and applied in an arithmetical formula.

The essential differences between the Senate amendment and the House bill are that (1) under the Senate amendment the funds would have been apportioned among the States solely on the basis of a mathematical formula, whereas under the House bill the funds were to be apportioned on the basis of certain enumerated factors with no specific mathematical formula prescribed, and (2) under the House bill there would have been only one apportionment of funds among the States, whereas under the Senate amendment, provision was made for reapportionment to the States of funds not needed by States from the original or subsequent apportionments and of funds not included in the initial apportionment by the Secretary of Agriculture. The House recedes with an amendment which is substantially the same as the Senate amendment. It changes the Senate amendment in two minor respects. The first of these changes makes it clear that State eligibility for additional special assistance funds shall be based on the needs of eligible schools. The second change makes it clear that the maximum per lunch amount limit on any school's share of special assistance funds shall be a uniform limit for all States.

ADAM C. POWELL,
CLEVELAND M. BAILEY,
JOHN BRADEMAS,
JAMES G. O'HARA,
CARROLL D. KEARNS,
ALBERT H. QUIE,
PETER FRELINGHUYSEN, Jr.,
Managers on the Part of the House.

○

latory agency to the statutory standards to which rates must conform.

C. PARTIAL SUBSCRIBERSHIP

We endorse the principle of partial subscribership, believing it to be economically desirable that a company be free to avail itself of the services of a rating organization for some lines of insurance without thereby being compelled to utilize all the services of a rating organization. This principle is expressed both in the present casualty rate law (sec. 35-1506(d)) and in the amendment to S. 556 which would substitute a new provision. We express no preference as between the present and proposed provisions. If Congress should believe that the amendment more adequately defines and protects the principle of partial subscribership, then we would certainly recommend its enactment.

D. DEVIATIONS

The deviation procedure under S. 556 is a more desirable one than exists for fire insurance at present (sec. 35-1405). A deviation would no longer be limited to a 1-year period of effectiveness; and the rating organization and its members and subscribers are denied the right to oppose the application for a deviation (S. 556, sec. 3). These provisions would eliminate the burdens of refiling annually and of facing the harassment of administrative and judicial proceedings instigated by competitors which discourage all but the strongest and most aggressive companies from attempting to engage in competition through rate reduction or coverage innovation.

We might suggest, however, that S. 556 could well take the final step in removing restrictions from the deviator's ability to compete. There would appear to be no compelling need to require that a deviation must have prior approval to become effective when an independent or rating organization rate does not (sec. 35-1503(f)). The requirement serves to place the deviator at a competitive disadvantage vis-a-vis the independent or member or subscriber of a rating organization. A company which desires to utilize rating organization services but not rating organization rates should not be placed at such a disadvantage. This might be accomplished by the adoption of the new section 35-1506(f) proposed as an amendment to S. 556.

We would like to note at this point our endorsement of that portion of the proposed amendment to section 3 of S. 556 which would deny to any competitor or organization of competitors the status of a party to any hearing on a filing or deviation of any company or rating organization or to an appeal from an order entered thereon. This is a logical and equitable extension of the principle contained in the present section 3 of S. 556. It would hardly be appropriate to free the deviator from the burden of opposition from its competitors while leaving the independent or rating organization subject to it. Our endorsement of this provision rests upon our understanding that, while denied the status of parties, competitors and rating organizations would have the right to present their views on a rate filing to the superintendent.

E. ADHERENCE TO RATING ORGANIZATION RATES

With the elimination of mandatory bureau membership, the creation of partial subscribership, and the facilitation of deviation, the requirement that a member or subscriber adhere to rates filed on its behalf by a rating organization (sec. 35-1503(g)) ceases to be a burden upon competition, if properly interpreted and administered by the superintendent. If the superintendent is to exercise his duty to determine that rates meet the statutory standards, the rates must be filed with him. The filing of the rates would be meaningless if the rates were not in fact

utilized by the companies filing them or on whose behalf they are filed. It is therefore not unreasonable to require adherence to the filed rates, since the freedom to compete is preserved by the rights to file independently, to be a partial subscriber, and to deviate from rating organization rates.

CONCLUSION

There are those who will say that to liberalize the District fire rate law as discussed above is to precipitate rate wars with resultant chaos and failure of companies due to inadequate rates. To dispel this contention one need only to point to the industry's experience in those States with liberal laws and particularly in a State such as California which does not even require that rates be filed with the insurance commissioner. That experience demonstrates that competition is not detrimental to the health of the industry and that mandatory bureau membership and uniformity of rates are not required to protect the public interest. The industry thrives under the liberal laws and in California there has not been a single company failure due to inadequacy of rates.²⁰

We urge that legislation be enacted to provide within the District the competitive climate which Congress intended to create in the insurance industry when it passed the McCarran Act; and to provide the States with an unequivocal expression of the type of regulation which Congress contemplated when it granted the States the authority to regulate this great industry and immunize it from the full impact of the antitrust laws.

PROMOTION OF FOREIGN COMMERCE THROUGH MOBILE TRADE FAIRS

Mr. ENGLE. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 3389.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 3389) to promote the foreign commerce of the United States through the use of mobile trade fairs, which were to strike out all after the enacting clause and insert:

That title II of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1101 et seq.), is amended by adding immediately after section 212(A) thereof (46 U.S.C. 1122a) the following new section:

"SEC. 212. (B) (a) The Secretary of Commerce shall encourage and promote the development and use of mobile trade fairs (1) which to the extent they are transported by vessel shall be transported by vessels of United States registry to foreign ports and (2) which are designed to show and sell the products of United States business and agriculture at such foreign ports and at other commercial centers throughout the world.

"(b) There is authorized to be appropriated not to exceed \$500,000 per fiscal year for each of the three fiscal years during the period beginning July 1, 1962, and ending June 30, 1965. In addition to such appropriated sums, the President shall make maximum use of foreign currencies owned by or owed to the United States to carry out the purposes of this section."

SEC. 2. Section 104(m) of the Agricultural Trade Development and Assistance Act of 1954, as amended, is amended by inserting immediately before "and (B)" the following: "or section 212(B) of the Merchant Marine Act, 1936".

²⁰ S. Rept. 831, 87th Cong., 1st sess. (1961), p. 116.

And to amend the title so as to read: "An Act to amend the Merchant Marine Act, 1936, to develop the American merchant marine and promote the foreign commerce of the United States through the use of mobile trade fairs."

Mr. ENGLE. Mr. President, I move that the Senate disagree to the amendments of the House and ask for a conference with the House of Representatives on the disagreeing votes thereon, and that the Chair appoint conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. ENGLE, Mr. BARTLETT, and Mr. BUTLER conferees on the part of the Senate.

AMENDMENTS TO NATIONAL SCHOOL LUNCH ACT—CONFERENCE REPORT

Mr. JORDAN of North Carolina. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11665) to revise the formula for apportioning cash assistance funds among the States under the National School Lunch Act, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of today.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. JORDAN of North Carolina. Mr. President, the Senate made two amendments to the House bill.

The first Senate amendment provided for a 3-year transition from the old cash assistance apportionment formula to the new formula provided by the bill. The conference report recommends that the House agree to this amendment.

The other Senate amendment provided for a more mathematical formula for apportionment to States of the \$10 million special assistance funds authorized by the bill. The conference report recommends that the House agree to this amendment with two clarifying changes, which represent no change in substance; but help to carry out the intention of the Senate amendment. The first of these changes makes it clear that State needs for additional special assistance funds must be based on needs of "eligible" schools. The second change makes it clear that the maximum per lunch limitation on any school's share of special assistance funds would be a uniform limit for all States. That was always intended by the Senate amendment.

The conference report was signed by all conferees of each House.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

FOREIGN AID AUTHORIZATIONS
AND DEFICITS

Mr. ROBERTSON. Mr. President, we have just passed a bill of something over \$4 billion for foreign aid, all of which will be borrowed money, because, on the best estimates I have been able to make, without a tax cut we will be in the red more than \$8 billion in the current fiscal year. Dr. Heller, chief of the economic advisers, told the mortgage bankers in Chicago that we were going to have a tax cut to stimulate the economy. It will probably be along the lines of the bill recommended by Walter Reuther and other labor leaders, and will probably cut the tax from 20 to 10 percent. That will result in a deficit of another \$10 billion, making a total of \$18 billion.

In addition, we hear consistent rumors to the effect that the President is going to issue an order to desegregate all housing.

He has no constitutional right, but it is claimed that the NAACP is putting on constant pressure.

There is \$175 billion tied up in mortgages.

It is claimed that if that order goes into effect, it would cut new construction from 50 to 75 percent.

Mr. President, I have had an opportunity to analyze the census information on housing. It is very significant. The construction program has slowed down. Unoccupied housing has increased. Foreclosures have greatly increased.

If we are to have a tax cut and if we are to continue to spend borrowed money for people abroad, as though it cost nothing, and if, in addition, we are to take action which I think would be outside our constitutional authority, to definitely slow down private enterprise, what will be the result? Mr. President, the result will be bankruptcy, eventually.

NEW FACTS ABOUT HOUSING

Mr. President, new and important housing facts have come to light as the results of the 1960 census of housing have been released. Few of these facts have received the public attention they deserve.

According to the census information, our housing economy during the 1950's surpassed expectations in several major respects. Houses and apartments were built in a record number—and production was more than one-fifth larger than previously estimated. The housing supply improved a great deal in average quality—and in some cases the improvement was dramatic. The use of housing space eased considerably—and as a result crowding declined to an all-time low.

Even so, our housing economy raised some basic questions about the goals and achievements of Federal housing programs.

I would like to review briefly these and other developments in the housing field, and to comment upon their implications for Government housing policies.

RECORD PRODUCTION

Mr. President, the 1960 housing census and related measures indicate that about 15 million dwelling units were completed

during the 1950's. As in earlier decades, private enterprise and private ownership accounted for nearly all production. Of the 15 million units completed, all but some 425,000 were privately built and owned. Thirty-four times more private dwellings were built than public dwellings.

These findings, in my opinion, reemphasize the strategic role of private enterprise in residential construction. They underline the importance of adopting public policies designed to make the most of private market forces—not to bypass them by setting up arbitrarily low interest rates, arbitrarily high standards, or uneconomic rents.

The census findings also suggest the price we would pay, in terms of gigantic public outlays, if Federal policies so discouraged private construction that we had to rely mainly upon public building activity instead. An estimated \$170 billion in new nonfarm residential construction was put in place during the 1950's. Of this total, approximately \$165 billion, or 97 percent, was privately owned.

Production of dwellings over the past decade considerably exceeded the volume of building registered in the 1920's, the previous 10-year record. Even so, recent production was smaller in relation to the inventory existing at the beginning of the period, because the 1950 inventory was more than twice the size of the 1920 inventory. The 15 million dwellings completed between 1950 and 1960 were equivalent to about 33 percent of the 46.1 million units existing in 1950. Some 7 million dwellings were recorded as started between 1920 and 1929; that output was equivalent to approximately 39 percent of the 17.7 million units existing in 1920.

Most new units completed during the 1950's were financed by conventional mortgages or by all-cash payments. Less than 30 percent, or about 4.2 million units, were underwritten by FHA-insured or by VA-guaranteed loans. Here again, private initiative—unaided by public credit—performed most of the job.

IMPROVEMENTS IN QUALITY

New housing production during the 1950's, as well as improvements to the existing inventory, contributed toward a marked rise in the average quality of the housing supply. A long stride was taken toward fulfilling the declaration of national housing policy enunciated in the Housing Act of 1949, "the realization as soon as feasible of the goal of a decent home and a suitable living environment for every American family."

Occupied housing increased by about 10 million units, or by 23 percent, over the last decade. But occupied dwellings of higher quality—with complete plumbing facilities, and in structures reported as not dilapidated—increased far more by about 16½ million units or by 60 percent. In 1950, these units of higher quality made up about three-fifths of the total occupied housing stock. But by 1960, they accounted for over four-fifths.

During the same 10-year period, occupied housing of lower quality—lacking complete plumbing facilities, or in dilap-

idated structures—declined by over two-fifths. The decline of at least 6.4 million units reduced the number of lower quality dwellings to less than 9 million units. A further reduction of a similar amount in the 1960's—through demolition, repair, or other means—would eliminate nearly all dwellings now lacking complete plumbing facilities, or in dilapidated structures.

In my own State of Virginia, the quality of occupied housing improved dramatically in the 1950's. All occupied housing increased by about 228,000 units, or by about one-fourth. But occupied housing of higher quality increased by an estimated 359,000 units, or by four-fifths. Meanwhile, lower quality occupied dwellings declined by 131,000 units, or by more than three-tenths.

All regions of the Nation improved their housing. Take the case of dwellings occupied by nonwhite households in the census region of the South. There occupied units of all types increased by 291,000, or by 12 percent, between 1950 and 1960. At the same time, higher quality units occupied by nonwhite households increased by 720,000, or by over 200 percent. Lower quality units decreased by 429,000, or by 20 percent.

Further improvement in the quality of our housing inventory will undoubtedly occur in the 1960's. To make the most progress, I believe that a careful analysis of the record of the 1950's should be made to reveal some of the major factors that contributed toward our past housing progress. Such an analysis would help to show what may need to be done in the future. Past experience suggests that most housing improvement can take place as a result of private market operations with minimum reliance upon direct Federal intervention through subsidized programs requiring large outlays of public funds.

EASING OCCUPANCY

The 1960 census of housing and related measures show that occupancy eased notably during the past decade. The use of residential space declined in intensity even as the postwar backlog of housing demand was being worked down.

One indication of easing occupancy appeared in the declining trend of married couples who doubled up by sharing the same dwelling. Doubling up dropped from over 2 million in early 1950 to 945,000 in early 1960. That was the lowest number of doubled up married couples since 1910. It was the lowest proportion of all married couples—2.4 percent—on record. By 1960, doubling up was 2 million below the all time high in 1947, when the rate was 8.7 percent.

Between 1950 and 1960, in other words, the number of doubled up married couples declined by half. The rate of doubling up declined from 5.6 percent to 2.4 percent. These declines took place during the same period that the total number of married couples increased by more than a tenth.

Doubling up in 1960 was far below comparable figures prevailing in 1930 after nearly a decade of active building. Early in 1930, 1,525,000 married couples

COMMITTEE ON RULES

Mr. SMITH of Virginia. Mr. Speaker, I ask unanimous consent that the Committee on Rules have until midnight to file a privileged report.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

FORMULA FOR APPORTIONING ASSISTANCE FUNDS UNDER NATIONAL SCHOOL LUNCH ACT

Mr. POWELL submitted the following conference report and statement on the bill (H.R. 11665) to revise the formula for apportioning cash assistance funds among the States under the National School Lunch Act, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 2512)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11665) to revise the formula for apportioning cash assistance funds among the States under the National School Lunch Act, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"SEC. 11. (a) There is hereby authorized to be appropriated \$10,000,000 for the fiscal year ending June 30, 1963, and such sums as may be necessary for each succeeding fiscal year to provide special assistance to schools drawing attendance from areas in which poor economic conditions exist, for the purpose of helping such schools to meet the requirement of section 9 of this Act concerning the service of lunches to children unable to pay the full cost of such lunches.

"(b) Of the sums appropriated pursuant to this section for any fiscal year, 3 per centum shall be available for apportionment to Puerto Rico, the Virgin Islands, Guam, and American Samoa. From the funds so available the Secretary shall apportion to each such State an amount which bears the same ratio to the total of such funds as the number of free or reduced-price lunches served in accordance with section 9 of this Act in such State in the preceding fiscal year bears to the total number of such free or reduced-price lunches served in all such States in the preceding fiscal year: *Provided*, That for the fiscal year ending June 30, 1963, \$5,000 shall be apportioned to American Samoa, which amount shall be first deducted from the total amount available for apportionment under this subsection. If any such State cannot utilize for the purposes of this section all of the funds apportioned to it, the Secretary shall make further apportionment on the same basis as the initial apportionment to any such States which justify the need for additional funds for such purposes.

"(c) Of the remaining sums appropriated pursuant to this section for any fiscal year, not less than 50 per centum shall be ap-

portioned among States, other than Puerto Rico, the Virgin Islands, Guam, and American Samoa, on the basis of the following factors for each State: (1) the number of free or reduced-price lunches served in accordance with section 9 of this Act in the preceding fiscal year, and (2) the assistance need rate. These factors shall be applied in the following manner: First, determine an index for each State by multiplying factors (1) and (2); second, divide this index by the sum of the indices for all such States; and, third, apply the figure thus obtained to the total funds to be apportioned. Any funds so initially apportioned which cannot be used for the purpose of this section by the State to which apportioned, together with the remainder of the funds available under this subsection, shall be further apportioned by the Secretary on the same basis as the initial apportionment to such States which justify on the basis of operating experience the need for additional funds to meet the need of students in such States for free or reduced-price lunches in schools deemed eligible by their State educational agencies for special assistance in accordance with the factors set forth in subsection (e) of this section.

"(d) Payment of the funds apportioned to any State under this section shall be made as provided in the last sentence of section 7 of the Act.

"(e) Funds paid to any State during any fiscal year pursuant to this section shall be disbursed to selected schools in such State to assist such schools in the purchase of agricultural commodities and other foods. The selection of schools and the amounts of funds that each shall from time to time receive (within a maximum per lunch amount established by the Secretary for all the States) shall be determined by the State educational agency on the basis of the following factors: (1) The economic condition of the area from which such schools draw attendance; (2) the needs of pupils in such schools for free or reduced-price lunches; (3) the percentages of free and reduced-price lunches being served in such schools to their pupils; (4) the prevailing price of lunches in such schools as compared with the average prevailing price of lunches served in the State under this Act; and (5) the need of such schools for additional assistance as reflected by the financial position of the school lunch programs in such schools.

"(f) If in any State the State educational agency is not permitted by law to disburse funds paid to it under this Act to nonprofit private schools in the State, the Secretary shall withhold from the funds apportioned to such State under subsections (b) or (c) of this section an amount which bears the same ratio to such funds as the number of free and reduced-price lunches served in accordance with section 9 of this Act in the preceding fiscal year by all nonprofit private schools participating in the program under this Act in such State bears to the number of such free and reduced-price lunches served during such year by all schools participating in the program under this Act in such State. The Secretary shall disburse the funds so withheld directly to the nonprofit private schools within such State for the same purposes and subject to the same conditions as are applicable to a State educational agency disbursing funds under this section.

"(g) In carrying out this section, the terms and conditions governing the operation of the school lunch program set forth in other sections of this Act, including those applicable to funds apportioned or paid pursuant to sections 4 or 5 but excluding the provisions of section 7 relating to matching,

shall be applicable to the extent they are not inconsistent with the express requirements of this section."

And the Senate agree to the same.

ADAM C. POWELL,
CLEVELAND M. BAILEY,
JOHN BRADEMAs,
JAMES G. O'HARA,
CARROLL D. KEARNS,
PETER FRELINGHUYSEN, JR.,
ALBERT H. QUIE,

Managers on the Part of the House.

B. EVERETT JORDAN,
JAMES O. EASTLAND,
STEPHEN M. YOUNG,
PHILIP A. HART,
BOURKE B. HICKENLOOPER,
MILTON R. YOUNG,
JOHN SHERMAN COOPER,

Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11665) to revise the formula for apportioning cash assistance funds among the States under the National School Lunch Act, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

Amendment No. 1: This Senate amendment provides that the transition from the method of apportioning funds among the States under section 4 of the National School Lunch Act as now in effect to the method provided for in the bill would be made over a 3-year period. For the fiscal year beginning July 1, 1962, 75 percent of such funds would be apportioned under the old method and 25 percent under the new method. For the fiscal year beginning July 1, 1963, 50 percent of such funds would be apportioned under each method. For the fiscal year beginning July 1, 1964, 25 percent of such funds would be apportioned under the old method and 75 percent under the new method. Thereafter all such funds would be apportioned among such States on the basis of the new method provided in the bill.

Under the House bill, the transition from the old to the new method of apportioning funds among the States would have been achieved in a 1-year period. For the fiscal year beginning July 1, 1962, 50 percent of the funds would have been apportioned under each method. Thereafter all the funds would have been apportioned under the new method provided in the bill.

The House recedes and concurs in the Senate amendment.

Amendment No. 2: This Senate amendment rewrote in its entirety proposed section 11 of the National School Lunch Act as passed by the House. As amended by the Senate, section 11 provided for a flat 3 percent of such funds being apportioned to Puerto Rico, the Virgin Islands, Guam, and American Samoa solely on the basis of the number of free or reduced-price lunches served during the preceding year, except that American Samoa would receive \$5,000 the first year. Of the remaining 97 percent, at least half would have been apportioned among the remaining States on the basis of the number of free or reduced-price lunches served in the preceding year multiplied by the assistance need factor. The balance of the funds, plus any initially apportioned funds which could not be used, would have been apportioned on the same basis to States justifying a need for further funds. The need factor set out in clause (2) of section 11(a) as the bill

passed the House was omitted from the Senate amendment, since it could not be precisely determined and applied in an arithmetical formula.

The essential differences between the Senate amendment and the House bill are (1) that under the Senate amendment the funds would have been apportioned among the States solely on the basis of a mathematical formula, whereas under the House bill the funds were to be apportioned on the basis of certain enumerated factors with no specific mathematical formula prescribed, and (2) under the House bill there would have been only one apportionment of funds among the States, whereas under the Senate amendment, provision was made for re-apportionments to the States of funds not needed by States from the original or subsequent apportionments and of funds not included in the initial apportionment by the Secretary of Agriculture. The House recedes with an amendment which is substantially the same as the Senate amendment. It changes the Senate amendment in two minor respects. The first of these changes makes it clear that State eligibility for additional special assistance funds shall be based on the needs of eligible schools. The second change makes it clear that the maximum per lunch amount limit on any school's share of special assistance funds shall be a uniform limit for all States.

ADAM C. POWELL,
CLEVELAND M. BAILEY,
JOHN BRADEMAS,
JAMES G. O'HARA,
CARROLL D. KEARNS,
PETER FRELINGHUYSEN, Jr.,
ALBERT H. QUIE,

Managers on the Part of the House.

DEPARTMENT OF AGRICULTURE AND RELATED AGENCIES AP- PROPRIATIONS, 1963

Mr. WHITTEN submitted the following conference report and statement on the bill (H.R. 12648) making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1963, and for other purposes:

CONFERENCE REPORT No. 2514

The Committee of Conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H.R. 12648) making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1963, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

The committee of conference report in disagreement amendments numbered 1, 2, 6, 19, 44, 47, 48, 49, 50, 51, 52, 53, and 54.

JAMIE L. WHITTEN,
WILLIAM H. NATCHER,
CLARENCE CANNON,
WALT HORAN,
JOHN TABER,

Managers on the part of the House.

RICHARD B. RUSSELL,
CARL HAYDEN,
ALLEN J. ELLENDER,
MILTON R. YOUNG,
KARL E. MUNDT,

Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the further conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H.R. 12648) making appropriations for the Department

of Agriculture and related agencies for the fiscal year ending June 30, 1963, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

DEPARTMENT OF AGRICULTURE

The amendments numbered 1, 2, 6, 19, 44, and 47 through 54 are reported in disagreement.

Watershed protection

The funds for watershed protection include \$7,400,000 for planning and surveys, \$5,500,000 for the planning of watersheds, and \$1,900,000 for river basin surveys. This will permit continuation of watershed planning at the 1962 level and initiation of surveys in all of the river basins proposed by the Budget.

JAMIE L. WHITTEN,
WILLIAM H. NATCHER,
CLARENCE CANNON,
WALT HORAN,
JOHN TABER,

Managers on the Part of the House.

PROVIDING COMPENSATION FOR CERTAIN WORLD WAR II LOSSES

Mr. MACK submitted the following conference report and statement on the bill (H.R. 7283) to amend the War Claims Act of 1948, as amended, to provide compensation for certain World War II losses:

CONFERENCE REPORT (H. REPT. No. 2513)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7283) to amend the War Claims Act of 1948, as amended, to provide compensation for certain World War II losses, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 5, 7, 8, and 9.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 10, 11, 12, 13, 14, 15, 17, and 18, and agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the House numbered 6, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "(2), and thereafter of any award made pursuant to section 202(a) to any claimant certified to the Commission by the Small Business Administration as having been, on the date of loss, damage, or destruction, a small business concern within the meaning now set forth in the Small Business Act, as amended."

And the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"SEC. 206. At the end of the Act, as amended, add the following new section:

"SEC. 41. (a) Notwithstanding any statute of limitation, lapse of time, any prior decision by any court of the United States, or any compromise, release or assignment to the Alien Property Custodian, jurisdiction is hereby conferred upon the United States Court of Claims to hear, determine, and report to the Congress concerning the claims against the United States for the proceeds received by the United States from the sale

of the property vested under the provisions of the Trading With the Enemy Act by vesting order numbered 33 relating to certificate numbers 104 to 121, inclusive, 125, 126, 128 to 134, inclusive, and 137 to 139, inclusive. Proceedings with respect to such claims may be instituted hereunder not later than one year after the date of the enactment of this Act.

"(b) As used in this section the word "copyrights" includes copyrights, claims of copyrights, rights to copyrights, and rights to copyright renewals.

"(c) All copyrights vested in the Alien Property Custodian or the Attorney General under the provisions of this Act subsequent to December 17, 1941, which have not been returned or otherwise disposed of under this Act, except copyrights vested by vesting orders 128 (7 F.R. 7578), 13111 (14 F.R. 1730), 14349 (15 F.R. 1575), 17366 (16 F.R. 2483), and 17952 (16 F.R. 6162) and copyrights vested with respect to the motion picture listed last in exhibit A of vesting order 11803, as amended (13 F.R. 5167, 15 F.R. 1626), are hereby divested as a matter of grace effective the ninety-first day after the date of enactment of this section, and the persons entitled thereto shall on that day succeed to the rights, privileges, and obligations arising out of such copyrights, subject, however, to—

"(1) the rights of licensees under licenses issued by the Alien Property Custodian or the Attorney General in respect of such copyrights;

"(2) the rights of assignees under assignments by the Alien Property Custodian or the Attorney General of interests in such licenses; and

"(3) the right retained by the United States to reproduce, for its own use, or exhibit any divested copyrighted motion picture films.

The rights and interests remaining in the Attorney General under licenses issued by him or by the Alien Property Custodian in respect to copyrights divested hereunder are hereby transferred, effective the day of divestment, to the persons entitled to such copyrights: *Provided*, That all unpaid royalties or other income accrued in favor of the Attorney General under such licenses prior to the day of divestment shall be paid by the licensees to the Attorney General.

"(d) All rights or interests vested in the Alien Property Custodian or the Attorney General under the provisions of this Act subsequent to December 17, 1941, arising out of prevesting contracts entered into with respect to copyrights, except—

"(1) royalties or other income received by or accrued in favor of the Alien Property Custodian or the Attorney General under such contracts;

"(2) rights or interests which have been returned or otherwise disposed of under this Act; and

"(3) rights or interests vested by vesting orders 128 (7 F.R. 7578), 13111 (14 F.R. 1730), 14349 (15 F.R. 1575), and 17366 (16 F.R. 2483),

are hereby divested as a matter of grace, effective the ninety-first day after the date of enactment of this section, and the persons entitled to such rights or interests shall succeed thereto, subject to the right of the Attorney General to collect and receive all unpaid royalties or other income accrued in his favor under such prevesting contracts prior to the day of divestment.

"(e) Nothing in this section shall be construed to transfer to a person entitled to a copyright divested hereunder the right of the Attorney General to sue for the infringement of such copyright during the period between (1) the vesting thereof or the vesting of rights and interests in a contract entered into with respect thereto, and (2) the day of divestment. The right to sue for

west quarter, north half northwest quarter northwest quarter southeast quarter,

"Section 15: West half northwest quarter northeast quarter southeast quarter, west half northeast quarter, northwest quarter southeast quarter, north half north half southwest quarter southeast quarter.

"Section 16: Northeast quarter.

"Containing 707.5 acres, more or less.

"(b) In exchange for such conveyance, the Secretary of the Interior is authorized to transfer to the United States in trust for the Southern Ute Indian Tribe, subject to valid existing rights, public lands on the Archuleta Mesa, reserving to the United States the minerals therein and the right to prospect for and remove them under regulations of the Secretary of the Interior, that are contiguous to the present eastern boundary of the Southern Ute Indian Reservation, and that have a value equal to or not materially greater than the value of the lands conveyed by the tribe, such values to be determined by the Secretary: *Provided*, That such public lands shall be selected in a manner that will not increase the Government's management problem for other public lands, the selection shall be approved by the Southern Ute Indian Tribe, and the Southern Ute Indian Tribe shall pay to the United States any difference in the values of the lands exchanged.

"(c) The owners of the range improvements of a permanent nature placed, under the authority of a permit from or agreement with the United States, on the public lands conveyed to the tribe shall be compensated for the reasonable value of such improvements, as determined by the Secretary, out of appropriations available for the construction of the Navajo unit, Colorado River storage project.

"(d) Persons whose grazing permits, licenses, or leases on the public lands conveyed to the tribe are canceled because of such conveyance shall be compensated in accordance with the standard prescribed by the Act of July 9, 1942, as amended (43 U.S.C. 315q), out of appropriations available for the construction of the Navajo unit, Colorado River storage project.

"(e) The public lands conveyed to the tribe shall be a part of the Southern Ute Indian Reservation and shall be subject to the laws and regulations applicable to other tribal lands in that reservation.

"(f) The tribal lands conveyed to the United States shall no longer be "Indian country" within the meaning of section 1151 of title 18 of the United States Code. They shall have the status of public lands withdrawn for administration pursuant to the Federal reclamation laws, and they shall be subject to all laws and regulations governing the use and disposition of public lands in that status.

"(g) In any right-of-way granted by the United States for a railroad over the tribal lands conveyed to the United States, the Secretary shall provide the Southern Ute Indians, at such points as he determines to be reasonable, the privilege of crossing such right-of-way.

"(h) The tribal lands conveyed to the United States shall not be utilized for public recreational facilities without the approval of the Southern Ute Tribal Council.

"(i) Nothing in this Act shall be construed to abridge any fishing rights that are vested in the Indians."

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

(Mr. HALEY asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. HALEY. Mr. Speaker, the only difference between H.R. 9342 as it passed the House and as it was amended by the Senate is in subsection (h). The House bill would have allowed the Southern Ute Tribe to utilize for recreational purposes certain lands that are being transferred to the United States if such utilization would not interfere with Navajo Dam and Reservoir. The Senate amendment omits this provision. In other words, under the Senate amendment the lands in question will not be utilizable by the tribe for recreational development. The amendment, I am advised, is acceptable to the Southern Ute Tribal Council.

THE SCHOOL LUNCH BILL

(Mr. FRELINGHUYSEN asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. FRELINGHUYSEN. Mr. Speaker, a few minutes ago a House-Senate conference on the so-called school lunch bill, H.R. 11665, broke up. The differences between the bill as passed by the House and as approved by the other body were discussed. After no more than 15 minutes these differences were reconciled, and agreement was reached. I am confident that final action will be taken on this conference report within the next few days.

Mr. Speaker, the ease with which the Senate and House conferees reached agreement on the school lunch program makes it apparent that a similar agreement could as easily be reached on a college facilities bill. Although I myself am not a conferee on that bill, I should like to point out that the Republican House conferees have been urging an early conference with the Senate. So far, I regret to say, there has been no response and no meeting has even been attempted.

This lack of effort on the part of the Democratic conferees is hard to explain, Mr. Speaker. Surely they must realize the need for more facilities. Surely they must realize that solid bipartisan support does exist for Federal aid to help build additional college academic facilities. Their refusal even to seek agreement on what should be done, I repeat, is hard to justify. This certainly should be no more difficult to achieve than agreement on the school lunch program. Time is running out, Mr. Speaker, but this form of assistance could be quickly agreed upon.

SELECT COMMITTEE ON EXPORT CONTROL

Mr. ALBERT. Mr. Speaker, on behalf of the gentleman from North Carolina [Mr. KIRCHIN], I ask unanimous consent that the House Select Committee on Export Control may be permitted to sit today during general debate.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

GROSS NATIONAL PRODUCT: WHAT IT IS AND WHAT IT IS NOT

(Mr. CURTIS of Missouri asked and was given permission to address the House for 1 minute.)

Mr. CURTIS of Missouri. Mr. Speaker, I am including in the Appendix of the RECORD today an excellent article that appeared in the Morgan Guaranty Survey pamphlet discussing the gross national product, what it really is and what it is not. There has been so much use of the term "gross national product" that it does seem to me very timely to have available a clear explanation of it, particularly with the national interest directed to the fall elections. I think this would be a good thing for everyone to refer to who wishes to discuss economic issues.

[The matter referred to appears in the Appendix.]

WATERSHED PROTECTION AND FLOOD PREVENTION

The SPEAKER laid before the House the following communication, which was read, and, with the accompanying papers, referred to the Committee on Appropriations:

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON AGRICULTURE,
Washington, D.C., September 28, 1962.
Hon. JAMES W. MCCORMACK,
The Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the provisions of section 2 of the Watershed Protection and Flood Prevention Act, as amended, the Committee on Agriculture in executive session on September 26, 1962, considered the work plans transmitted to you by executive communication and referred to this committee and unanimously approved each of such plans. The work plans involved are:

EXECUTIVE COMMITTEE, STATE, AND WATERSHED

- No. 1127, Puerto Rico, Anasco River.
- No. 2423, Louisiana, Bayou Folse.
- No. 2423, Kansas, Bee Creek.
- No. 2423, Nebraska, Big Indian Creek.
- No. 2423, Kentucky, Big Muddy Creek.
- No. 2423, Iowa, Big Wyacondah.
- No. 2534, Arkansas, Crooked Bayou.
- No. 2423, South Carolina, Duncan Creek.
- No. 2534, Tennessee, Hardin Creek.
- No. 2423, Pennsylvania, Kaercher Creek.
- No. 2423, Indiana, Lattas Creek.
- No. 2288, Tennessee, Line Creek.
- No. 2423, North Dakota, Lower Forest River.
- No. 2423, Kansas, Middle Caney.
- No. 2423, Vermont, Neshobe River.
- No. 930, West Virginia, Saltlick Creek.
- No. 2423, Indiana, Stucker Fork.
- No. 2423, Mississippi, Upper Bogue Phalia.
- No. 1331, Massachusetts, Upper Quaboag River.
- No. 2534, Kentucky, West Fork of Pond River.
- No. 1227, Kansas, Silver Creek.

Sincerely yours,
HAROLD D. COOLEY,
Chairman.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 261]

Alexander	Harvey, Ind.	Reifel
Anfuso	Hébert	Rogers, Tex.
Arends	Hiestand	Rousselot
Aspinall	Hoffman, Ill.	Santangelo
Ayres	Hoffman, Mich.	Saund
Bates	Jarman	Saylor
Belcher	Johnson, Md.	Schadeberg
Bennett, Mich.	Kearns	Scherer
Berry	Kee	Scott
Blitch	Kilburn	Scranton
Bolling	King, Calif.	Seely-Brown
Boykin	Laird	Shelley
Breeding	Latta	Shppard
Brewster	McDonough	Shipley
Brown	McDowell	Short
Burke, Ky.	McIntire	Sibal
Celler	McSween	Siler
Chamberlain	McVey	Springer
Coad	Macdonald	Tollefson
Curtin	MacGregor	Ullman
Dominick	Magnuson	Utt
Dooley	Martin, Nebr.	Van Pelt
Evins	Mason	Vinson
Fenton	Marrow	Watts
Frazier	Michel	Weis
Garland	Miller	Whalley
Goodell	George P.	Wickersham
Gray	Monagan	Willis
Green, Oreg.	Moorehead,	Winstead
Hall	Ohio	Yates
Hansen	O'Brien, Ill.	Zelenko
Harris	Powell	
Harrison, Va.	Rains	

The SPEAKER. On this rollcall, 337 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

WAR CLAIMS ACT OF 1948

Mr. MACK. Mr. Speaker, I ask unanimous consent that the conferees on the bill H.R. 7283 have until midnight to file a report.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

CORRECTION OF ROLLCALL

Mr. ASHBROOK. Mr. Speaker, on yesterday, on rollcall No. 256 I am recorded as not being present. I was present and answered to my name. I ask unanimous consent that the permanent Record and Journal be corrected accordingly.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

PRIVATE CALENDAR

The SPEAKER. This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

MRS. WILLIAM W. JOHNSTON

The Clerk called the bill (H.R. 9942) for the relief of Mrs. William W. Johnston.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

CLARA B. FRY

The Clerk called the bill (H.R. 7615) for the relief of Clara B. Fry.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

CARLETON R. McQUOWN, THOMAS A. PRUETT, AND JAMES E. ROWLES

The Clerk called the bill (H.R. 4950) for the relief of Carleton R. McQuown, Thomas A. Pruett, and James E. Rowles.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore (Mr. ALBERT). Is there objection to the request of the gentleman from Iowa?

There was no objection.

DANIEL WALTER MILES

The Clerk called the bill (H.R. 7469) for the relief of Daniel Walter Miles.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

DR. AND MRS. ABEL GORFAIN

The Clerk called the bill (H.R. 6709) for the relief of Dr. and Mrs. Abel Gorfain.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the limitations of sections 322(b), 3774, and 3775 of the Internal Revenue Code of 1939, or of section 6511(b) (2) of the Internal Revenue Code of 1954, relating to the refund of excess income taxes or of any other statute of limitation, the claim of Doctor and Mrs. Abel Gorfain for the refund of excess income taxes paid by them for the years 1949 to and including 1956, heretofore filed with the Internal Revenue Service shall be considered as having been timely filed with relation to those years on November 1, 1960, and shall be considered and paid in accordance with the provisions of otherwise applicable provisions of laws relating to such refunds of income taxes.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

THEODORE ZISSU

The Clerk called the bill (H.R. 8550) for the relief of Theodore Zissu.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of section 33 of the Trading With the Enemy Act, as amended (50 App. U.S.C. 33), with respect to the filing of claims and the institution of suits for

the return of property or any interest therein pursuant to section 9 or 32 of such Act (50 App. U.S.C. 9 or 32), Theodore Zissu, a United States citizen, may within six months after the enactment of this Act file a claim for the return of certain property, namely, his interest as owner of 30 per centum of the stock of Industria Romana Mechanica si Chimica S.A., Bucharest, Rumania, the forge plant property and equipment of which latter corporation was vested by the Office of Alien Property under Vesting Order Numbered 46, effective July 6, 1942, and Supplement to Vesting Order Numbered 46, effective May 11, 1943, and which forge plant property and equipment was subsequently sold by said Office of Alien Property; and that claim shall be considered on its merits in accordance with the remaining provisions of that Act. If no such return is made within a period of sixty days after the filing of such claim, the said Theodore Zissu shall be entitled, within one year of the expiration of such period, to institute suit pursuant to section 9 of said Act (50 App. U.S.C. 9) for the return of such property. If the said Theodore Zissu shall establish his ownership of the said 30 per centum of the stock of said Industria Romana Mechanica si Chimica S.A., Bucharest, Rumania, he shall thereby be deemed to be entitled to recover 30 per centum of the value of the property seized and taken by the Alien Property Custodian from said Industria Romana Mechanica si Chimica S.A., Bucharest, Rumania.

Mr. CONTE. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CONTE: On page 2, beginning in line 14, strike out all following the period after the word "property" down through line 20 on page 2.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

COMBEST B. SILLS

The Clerk called the bill (H.R. 8062) for the relief of Combest B. Sills.

Mr. GROSS. Mr. Speaker, I ask unanimous consent the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

GEORGE H. PETERS

The Clerk called the bill (H.R. 8549) for the relief of George H. Peters.

Mr. GROSS. Mr. Speaker, I ask unanimous consent the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

HENRY ARMSTRONG, ADMINISTRATOR OF THE ESTATE OF ELLA ARMSTRONG

The Clerk called the bill (H.R. 6940) for the relief of Henry Armstrong, administrator of the estate of Ella Armstrong.

Mr. ANDERSON of Illinois. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

Oct. 4, 1962

8. LEGISLATIVE ACCOMPLISHMENTS. Sen. Mansfield inserted a summary of significant legislative accomplishments during the 87th Congress, including those in the field of agriculture. pp. 21031-52
9. COFFEE. Received from the President for ratification the International Coffee Agreement for 1962. p. 20930
10. ELECTRIFICATION. Received from the Federal Power Commission a copy of a publication, "Typical Electric Bills, 1962." p. 20930
11. LOANS. Passed without amendment S. 3024, to extend the maximum maturity of Veterans' Administration guaranteed or insured loans from 30 to 35 years. p. 21064
12. INSPECTION; BRIDGES. The Foreign Relations Committee reported with amendments H.R. 683, to authorize the Donna-Rio Bravo Bridge Co. to construct a bridge across the Rio Grande river near Donna, Tex. (S. Rept. 2278). p. 20931
13. HEALTH; VACCINATIONS. Passed without amendment H. R. 10541, the proposed Vaccination Assistance Act of 1962. This bill will now be sent to the President. p. 21011
14. FOREIGN AID. Sen. Proxmire criticized a provision in the foreign aid appropriation bill giving the President discretion to extend aid to Yugoslavia and inserted several items. pp. 21029-30
Sen. Humphrey urged support for Senate amendments increasing appropriations for the foreign aid program. pp. 21081-2
15. WILDLIFE. Passed with amendment H. J. Res. 489, to provide for protection of the golden eagle. pp. 21091-5
16. FARM LABOR. Sen. Humphrey inserted and commended an article praising passage of legislation to provide health clinics and other health service for migratory workers. pp. 21080-1

HOUSE

17. AGRICULTURAL APPROPRIATION BILL, 1963. Acted on amendments in disagreement on this bill, H. R. 12648 (pp. 21136-9). Receded from disagreement to Senate amendment No. 1, deleting provision for acquisition of sites by ARS by donation, exchange, or purchase at a nominal cost not to exceed \$100 (p. 21136). By a vote of 339 to 5, agreed to Senate amendment No. 2 with an amendment providing funds for ARS for research and demonstrations on the production and utilization of agricultural products, home economics, and related research and services (pp. 21136-9). Concurred in Senate amendment No. 6, to delete provision of \$760,000 for ARS for construction of facilities and acquisition of the necessary land therefor by purchase, donation, or exchange (p. 21139). Insisted on disagreement to all other amendments formerly reported in disagreement (p. 21139).
18. FOOD CONGRESS. Passed without amendment S. 3679, authorizing an appropriation to enable the U. S. to extend an invitation to the Food and Agriculture Organization of the U. N. to hold a World Food Congress in the U. S. in 1963. This bill will now be sent to the President. A similar bill, H. R. 13307, was tabled. pp. 21131-2

19. PERSONNEL. Concurred in the Senate amendments to H. R. 8140, to strengthen the criminal laws relating to bribery, graft, and conflicts of interest. This bill will now be sent to the President. pp. 21130-1
20. ELECTRIFICATION. Concurred in the Senate amendment to H. R. 10708, to amend the Rural Electrification Act of 1936, so as to authorize REA to finance communication facilities for the transmission of sounds, signals, pictures, writing, or signs as well as voice. This bill will now be sent to the President. p. 21133
21. SCHOOL LUNCH PROGRAM. By a vote of 257 to 81, agreed to the conference report on H. R. 11665, to amend the National School Lunch Act so as to revise the formula for apportioning cash assistance funds to the States. This bill will now be sent to the President. (See Digest 179 for a summary.) pp. 21155-7
22. PUBLIC WORKS APPROPRIATION BILL, 1963. Received the conference report on this bill, H. R. 12900 (H. Rept. 2531)(pp. 21184-92). As reported from conference, the bill includes \$400,000,000 for the accelerated public works program. The Senate report on this bill includes the following statements:

"The authorizing legislation contains restrictions on the amounts of money that can be received by areas. Specifically, the act provides that at least \$300 million of the \$900 million authorized must be allocated for projects in areas designated under section 5(b) of the Area Redevelopment Act. In keeping with the provisions of the authorizing legislation, the committee desires that the funds appropriated in this act be prorated in accordance with the restrictions in the authorizing legislation."

"The committee notes that a large number of agencies will participate in the program, and in most instances their activity will represent a relatively modest increase in regular programs for which administrative funds have been or will be provided in the regular appropriations for such agencies. In a few cases, it is clear that additional administrative funds will be required. ...

"In view of the fact that the committee was unable to secure from the witnesses a specific program by agencies, it does not feel that it is feasible to establish specific amounts for administrative costs. However, the committee will expect the Bureau of the Budget to review all requests for allocations of administrative funds closely, and to assure that in no case are they in excess of amounts required for additional workload generated by the public works acceleration program, or disproportionately high as compared to the regular administrative costs of the programs increased or accelerated. In no case are these funds to be used merely to circumvent administrative expense limitations established in the various appropriation acts for these agencies."
23. FARM PROGRAM. Rep. Cooley reviewed the legislative accomplishments of the 87th Congress in farm legislation and said, "I have never known a Secretary of Agriculture who was a greater champion of farmers than Orville L. Freeman." pp. 21143-9
24. ASC COMMITTEES. Rep. Wilson, Ind., commended the ASC county committeemen saying, "I know of no more dedicated group of men than the 9,000 county committeemen and the 90,000 community committeemen throughout this Nation who are attempting ... to make democracy work." p. 21223
25. PATENTS. Concurred in the Senate amendments to H. R. 12513, to provide for public notice of settlements in patent interferences. This bill will now be sent to the President. pp. 21132-3

first domestic processing of coconut oil, palm oil, palm-kernel oil, and fatty acids, salts, combinations, or mixtures thereof."

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

Mr. CURTIS of Missouri. Mr. Speaker, reserving the right to object—and I shall not object—these amendments, I want to point out to the House, are germane to this particular bill. This bill was reported out unanimously. I do this because I think it is important to point out to the House when amendments are germane to legislation so that we may know otherwise when we are asked to consider matters that come over to us from the other body, that may be entirely unrelated to the bill.

I might further point out that I do not feel that nongermane amendments are entirely out of order. There may be perfectly good reasons for a nongermane amendment. However, these reasons should be presented forthrightly for the House to consider.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

Mr. MILLS. Mr. Speaker, the other body's amendment would provide for a temporary suspension of the processing taxes on coconut oil and the other products concerned until June 30, 1966. This temporary suspension is consistent with past congressional action in the case of these taxes.

Mr. BYRNES of Wisconsin. Mr. Speaker, as passed by the House, H.R. 5260 made permanent the suspension of the processing tax proposed by the Internal Revenue Code on the first domestic processing on coconut oil and the like. We had been enacting temporary suspensions since October 1, 1957.

Favorable reports have been received from the various Government departments and the committee was aware of no objection for the further exemption of this tax. Accordingly, we enacted a permanent suspension of tax.

The Senate amended the bill to provide for a temporary suspension expiring June 30, 1966. I would have preferred a permanent suspension so that we would not again have to take up this matter. However, the Senate action will meet the needs of the industry until June 30, 1966.

(Mr. DINGELL (at the request of Mr. MILLS) was given permission to extend his remarks at this point in the RECORD.)

Mr. DINGELL. Mr. Speaker, as the author and sponsor of H.R. 5260, I rejoice that this signal legislative evidence of our long friendship with the people of the Republic of the Philippines has been enacted to give another 3-year suspension of the excise tax on coconut oil.

It would be fair to say that this legislation reflects not only the high regard which our people hold for our friends in the Philippines, but more specifically it is in a very real way to monument

for our beloved friend and former colleague, the Honorable Carlos P. Romulo, former delegate to this body from the Philippines, distinguished Ambassador to the United States, and delegate of that great nation to the United Nations, and president of the General Assembly of that great international institution.

For it was the untiring effort of that great son of the Philippines and the high regard in which his ability was held, not only in the Congress but throughout the United States, which really brought about enactment of this legislation.

We who knew General Romulo and so greatly admired his ability, integrity and devotion to the cause of liberty miss him in these days when he has returned to his beloved homeland, but we rejoice that he has risen to the high office of President of the University of the Philippines and that the Congress has again taken favorable action on a piece of legislation on behalf of which he labored so long and untiringly and for which, indeed, he may take principal credit for enactment.

DESIGNATING CARRIERS OF BONDED MERCHANDISE

Mr. MILLS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5700) to amend the Tariff Act of 1930 to permit the designation of certain contract carriers as carriers of bonded merchandise, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

The Chair hears none and appoints the following conferees: Messrs. MILLS, KING of California, BOGGS, MASON, and BYRNES of Wisconsin.

SPECIAL CONSTRUCTIVE SALE PRICE RULE ON MANUFACTURERS EXCISE TAXES

Mr. MILLS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 8952) to amend the Internal Revenue Code of 1954 with respect to the conditions under which the special constructive sale price rule is to apply for purposes of certain manufacturers excise taxes, with Senate amendments thereto, disagree to the Senate amendments and request a conference with the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

The Chair hears none and appoints the following conferees: Messrs. MILLS, KING of California, BOGGS, MASON, and BYRNES of Wisconsin.

AMENDMENTS TO THE NATIONAL SCHOOL LUNCH ACT

Mr. POWELL. Mr. Speaker, I call up the conference report on the bill (H.R. 11665) to revise the formula for apportioning cash assistance funds among the States under the National School Lunch

Act, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of Oct. 2, 1962.)

Mr. POWELL. Mr. Speaker, I am pleased to bring to the House today a unanimous bipartisan conference report on H.R. 11665, a bill which makes certain necessary changes in the National School Lunch Act in order to bring up to date this important legislation which has rendered a most useful service to millions of our American boys and girls since its enactment in 1946. According to the Department of Agriculture which administers this act, this bill incorporates all of the changes in the National School Lunch Act recommended by the Department in a series of hearings held by the General Subcommittee on Education. They support passage of this bill with the belief that it will increase the effectiveness of the program of Federal aid to nonprofit school lunch programs.

It is significant that one of the amendments submitted in this report reflects the social progress that has been made since 1946 when the school lunch program was enacted; at that time I was a freshman Congressman and offered the amendment which has since been known as the Powell amendment. This addressed itself to the need for assuring equitable distribution of Federal funds for lunches to children of all races. And thus was added these words—section 11, subsection C:

"If a State maintains separate schools for minority and for majority races, no funds made available pursuant to this act shall be paid or disbursed to it unless a just and equitable distribution is made within the State, for the benefit of such minority races, of funds paid to it under this act."

Because of the historic Supreme Court decision of 1954, such language is no longer necessary and I am happy to be able to report a bill which deletes these words. Certainly a new day is dawning in our great land.

The other amendments presented were recommended by the Department of Agriculture. They were urged by the administrators of school lunch programs in the States.

These amendments to the National School Lunch Act would revise the formula for apportioning cash assistance funds to States to base it on the number of lunches served in the preceding year with a slightly modified assistance need factor. Under existing law, funds are apportioned on the basis of total school-age population and assistance-need rate. The assistance-need rate recommended is based upon average annual income. These States where the average is below the national average would receive proportionately larger grants.

Secondly, it would provide for a 3-year transition to the new formula. Under this amendment, the first year 75 percent of the cash assistance funds—other than section 11 funds—would be apportioned on the basis of the old formula and 25 percent on the basis of the new formula. The next year would be 50 percent old formula and 50 percent new formula. The third year would be 25 percent old and 75 percent new. The fourth year would be completely on the new formula.

Thirdly, it would change the formula for the division of State apportionments between public and private schools—where such division is required—to base it on the number of lunches served instead of the number of students.

And finally, it would provide for special assistance to certain schools to help them serve free or reduced price lunches. The conference amendment provided specific criteria for determining the eligibility of these schools which would receive the additional assistance.

The purpose of the amendment is to provide a more specific formula for special assistance funds. It provides for a flat 3 percent of such funds being apportioned to Puerto Rico, the Virgin Islands, Guam, and American Samoa solely on the basis of the number of free or reduced price lunches served during the preceding year, except that American Samoa would receive \$5,000 the first year, of the remaining 97 percent, at least half would be apportioned among the remaining States on the basis of the number of free or reduced price lunches served in the preceding year multiplied by the assistance need factor. The balance of the funds, plus any initially apportioned funds which could not be used, would be apportioned on the same basis to States justifying a need for further funds.

Because of the overwhelming evidence which we have received through testimony and the apparent success reported by the Department during the 16 years this program has been in operation and the growing need manifested by the children and youth of our land, I urge the adoption of this conference report today.

Mr. DANIELS. Mr. Speaker, I rise in support of this conference report on H.R. 11665. This bill makes the following substantive changes in the National School Lunch Act.

First, the allocation formula is based upon the number of lunches served and the assistance-need rate for the State. This was a necessary amendment since under existing law, the higher income States were in better position to provide lunches for their school population than many States that needed the lunches more. The assistance-need rate, based upon average annual income, would apportion funds based upon the number of lunches served the previous year and on the income level of the State.

This bill would also provide a 3-year transition for applying the new formula—thus giving the States sufficient time to adjust to the new program.

Provision is also made for the apportionment of funds between public and

private schools. Because certain States may not contribute directly to private institutions, such funds must be distributed through the Department of Agriculture. In so doing, more schoolchildren may profit from this very important program.

Through the special assistance fund, certain schools drawing attendance from areas in which poor economic conditions exist and which are not financially able will be able to operate a lunch program to meet the needs for free or substantially reduced price lunches among those children unable to pay the full price of the lunch.

I am likewise happy to note that this bill removes the language referring to separation of races in the public schools of our land. While I was serving as the chairman of the Ad Hoc Subcommittee on Integration in Federally Assisted Education, we heard testimony from the Department of Agriculture regarding this act. I feel such an amendment would make this law consistent with the supreme law of our land.

I urge the passage of this report.

Mr. FRELINGHUYSEN. Mr. Speaker, I rise in support of this conference report. This bill, H.R. 11665, as it has been modified by action of this House, and the Senate, and now finally by the House-Senate conferees, is in my opinion, a carefully drafted piece of legislation. Under its provisions, a new formula will be used for the distribution of the school lunch funds among the various States. The new formula will distribute funds to the States on the basis of the present participation rate and the assistance need rate of a State. The old formula, I might add, was based on the school age population and the per capita personal income of a State. We can expect a fairer distribution of the cash funds under the new formula.

The impact of this new formula, if there is any, will be greatly minimized through the conferees' adoption of the Senate amendment which provides for a 3-year transition period from the present method of apportioning funds among the States under section 4 of the National School Lunch Act, to the method provided for in the bill. Thus, for the fiscal year beginning July 1, 1962, 75 percent of such funds would be apportioned under the old method and 25 percent under the new method. For the fiscal year beginning July 1, 1963, 50 percent of such funds would be apportioned under each method. For the fiscal year beginning July 1, 1964, 25 percent of such funds would be apportioned under the old method and 75 percent under the new method. Thereafter, all such funds would be apportioned among such States on the basis of the new method.

Mr. Speaker, you will recall that at the time, early in June, when H.R. 11665 was adopted by this body, I was greatly concerned over the proposed language of section 11. It appeared to me that there was an absence of essential legislative guidelines, with the Secretary of Agriculture having a completely free hand to administer the \$10 million in special assistance funds. The various States would receive, or not receive,

funds as the Secretary in his sole discretion deemed advisable.

As a result of this language, which I considered defective, I offered an amendment to establish a two-part formula for the distribution of these funds. Under this formula, the distribution would be based upon, first, the number of free and reduced-price lunches served during the preceding year and, second, the assistance need rate of a State. This formula would have insured certainty and complete objectivity in the distribution of the funds. The Agriculture Department recognized the administrative advantages of this formula, and supported it. Unfortunately, it will be recalled an additional factor was adopted, over my objection, which would have had the effect of once again removing the element of certainty from the distribution of the funds. I am happy to report that this additional factor was removed from the bill by the Senate. Their action was agreed to by the conferees.

Mr. Speaker, the conferees now propose that section 11 funds are to be distributed and administered in the following manner: After 3 percent has been taken out for Puerto Rico, the Virgin Islands, Guam, and American Samoa, not less than 50 percent of the remainder shall be initially apportioned among the States. The amounts so apportioned shall then be held for the States until such time as they have either used them, or until they have agreed to release them back to the Agriculture Department. Then, the funds so returned to the Department, together with the remaining unapportioned funds, shall be further apportioned to certain States. It will be necessary for a State first to request additional funds, and then support such a request with a statement which reflects that they have schools in their State which they deem eligible for free or reduced-price lunches and which schools, but for the receipt of additional funds, will not be able to serve such lunches. Finally, this subsequent apportionment will be made among those States who have qualified for additional funds in the same manner and under the same formula as the first apportionment.

It is anticipated that once this program gets underway, the initial apportionment of section 11 funds will take care of more and more of the money until finally all, or nearly all, will be initially apportioned and then held in escrow, so to speak, until it is completely used by a State. Very little will be returned for reapportionment and very little will be held back by the Department for a subsequent apportionment. The need for, and use of, the apportioned funds by the State should match the amount which is apportioned to such State under the adopted formula.

One other minor modification adopted by the conference makes it explicit that any maximum per lunch amount established by the Secretary under section 11 shall be a national maximum and not one that will vary from State to State or school to school. Again, this was so far as I know the intent all along. The new language only nails down such intent.

Finally, Mr. Speaker, this bill, as adopted, insures that the distribution of section 11 funds, once they are apportioned to a State, shall be to the schools which the State determines are eligible. Of course, such eligibility shall be determined by the State on the basis of certain prescribed factors.

In summary, Mr. Speaker, I feel that H.R. 11665 as finally adopted by the conference committee is a good bill. It represents careful legislative draftsmanship. Appropriate and definite guidelines have been established for the administering agency. I believe that we can take pride in this bill and that all of the Members on both sides of the aisle in both Houses of Congress can feel confident that the funds which we are making available through section 11 will be distributed and administered fairly and that they will be used to meet a need which must be met.

The SPEAKER. The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

Mr. POWELL. Mr. Speaker, I ask unanimous consent that all Members of the House may have 5 legislative days in which to extend their remarks in the RECORD immediately following the adoption of this conference report.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

CORRECTION OF ROLL CALL

Mr. SMITH of California. Mr. Speaker, on roll call No. 266 I am recorded as being absent. I was present and answered to my name. I ask unanimous consent that the RECORD and Journal be corrected accordingly.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

EMPLOYMENT OF CHILDREN IN AGRICULTURE

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 803 and ask for its immediate consideration.

The Clerk read the resolution as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 1123) to amend the Fair Labor Standards Act of 1938 to extend the child labor provisions thereof to certain children employed in agriculture, and for other purposes. After general debate, which shall be confined to the bill, and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as

ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. SISK. Mr. Speaker, I yield 30 minutes to the gentleman from California [Mr. SMITH], and pending that, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 803 provides for the consideration of S. 1123, a bill to amend the Fair Labor Standards Act of 1938 to extend the child labor provisions thereof to certain children employed in agriculture, and for other purposes. The resolution provides an open rule with 1 hour of general debate.

The exploitation of children in agriculture is one of the more objectionable aspects of the farm labor situation. Child labor has all but disappeared in industry, but it is still very much in evidence on some of our industrialized farms. Although the Fair Labor Standards Act regulates the employment of children in industry, and the employment of children in agriculture during school hours, there is no age limit for the employment of children in agriculture outside school hours, nor is there protection afforded these youngsters in the event of personal injury.

S. 1123 seeks to extend the child labor provisions of the Fair Labor Standards Act of 1938 so as to correct and/or eliminate labor conditions detrimental to the maintenance of the minimum standard of living necessary for health, efficiency, and general well-being of certain children employed in agriculture.

Mr. Speaker, I urge the adoption of House Resolution 803.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

(Mr. SMITH of California asked and was given permission to revise and extend his remarks.)

Mr. SMITH of California. Mr. Speaker, as stated by the gentleman from California, House Resolution 803 is an open rule providing for the consideration of the bill S. 1123, with 1 hour of general debate.

I will agree with the statement of the gentleman from California [Mr. SISK], in explanation of this bill and ask to be associated with it. In addition thereto, Mr. Speaker, may I state that this particular bill permits the child to be employed in agricultural work outside of school hours. First, if he is employed by his parents on the home farm or, second, if he is 14 years of age or over or, third, if he is between 12 and 14 years of age and works within 25 miles of his home with the written consent of his parents. Frankly, Mr. Speaker, I am a little bit confused with some of these bills. We have the Youth Delinquency Act which attempts to find out why we have so many youthful delinquents, figuring maybe we do not have enough education or schools. Then we have the Youth Conservation Act which tries to tell us about 12,000 youth needing employment. Now we come along with a bill here which is just another restriction on the right of youth to get work. When I read the statement "if he is employed by his parents on the home farm," I

wonder if all youth must be paid to work on their parents' farm. I spent some of my younger years on my home farm and I do not ever remember being employed, but I do remember being out there working a good long while during the thrashing season and so forth when I was about 8 or 10 years of age and I do not remember ever getting a salary for it. I do not think it hurt me. Now here are some more restrictions on youth being employed.

There are some supplemental views, Mr. Speaker. The supplemental views are signed by seven Members. Two amendments were offered in committee and both of them were rejected, and I think they should be brought to the attention of the House.

The first amendment would require that before employment could be found to be hazardous by the Secretary of Labor, it must be connected with or involved with operation of power-driven machinery. As presently provided, the bill would permit the Secretary to find any type of employment is hazardous. It is conceivable that the Secretary can find picking fruit, hoeing corn, or riding horses is hazardous and then this type of work would be denied to all youth under 16 years of age except those employed by a parent.

The second amendment would permit a youth 12 years of age or over to be employed if he is employed with and under the direct control of his parent.

Mr. Speaker, I yield 8 minutes to the gentleman from California [Mr. GUBSER].

Mr. GUBSER. Mr. Speaker, I represent a county which ranks 15th in this Nation in agricultural production. Almost all of this production is of the type called specialty crops which are harvested by what is commonly referred to as stoop labor, including children, affected by this law.

Mr. Speaker, I am becoming increasingly resentful of the exaggerated, false, and untrue statements that are being made about the farmers I represent. We are not slave drivers, we are not Simon Legrees who seek to exploit little children. We really are quite human and we are quite decently motivated. I am tired of articles like the one that appeared on page 3 of the committee report. Just let me read it to you. This is an article quoted from the November 1960 issue of Good Housekeeping. It says:

We saw dozens of kids as young as 7 picking potatoes under a blistering sun. They were performing hard, adult labor, working rapidly, mechanically, without pause, dripping sweat as they stripped potatoes from the plant * * *.

Then it goes on to say:

They picked in silence, with intense concentration. They stooped, crawled, and stretched, taking no time for rest or chatter, except when the machine broke down.

These potatoes were admittedly harvested by machine. And I would like to see anybody strip a potato from a plant that has been so harvested.

This author did not know what he was talking about. He did not see what he wrote about. It is exaggerated; it is not

true. Potatoes grow underground, they are part of the root, and when the machine turns them up they are separated from the root and all you do is pick them up and put them in a sack. This is an exaggerated report which has been printed in a committee report to the Congress of the United States.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. GUBSER. I yield.

Mr. GROSS. Perhaps Mr. Farrell found some new breed of potato that grew on trees or bushes or something of that kind.

Mr. GUBSER. It is an absurd, exaggerated report.

Mr. GROSS. Apparently he believes potatoes are picked off bushes.

Mr. GUBSER. The sad part is that a lot of people will believe this and will draw a false conclusion.

I have a strong objection to one portion of this bill, and that is the portion which would prevent a child from working under the direct supervision of his parents. If we remove that I could conscientiously support the bill; otherwise I cannot, and I cannot for three reasons:

First, of all, I sincerely believe that an honest day's work by a youngster, no matter how tender his age, is the greatest character builder a child can have. As I look around this House I see 25 or 30 Members who have risen to the point of being Representatives in Congress, and I will bet you they worked on a farm before they reached the age of 12. My dad worked on a farm when he was 6. I worked when I was 6. I have a daughter who worked when she was 8, cutting apricots. In those three generations there is not one who has ever been in jail, there is not one who has ever been a juvenile delinquent, there is not one who has been on relief, and there is not one of us who has not been proud we could do an honest day's work.

We worry about juvenile delinquency. I am telling you the greatest deterrent to juvenile delinquency is the honor and privilege of doing an honest day's work.

My second objection to this bill is that it would substitute Government judgment for parental judgment. Have we come to the point where we can sit here in this body and say to a legal parent of a child that we know better what is best for his child than he does? Must the Government substitute its judgment for that of the parent? If so, how much further are we going? Will we eventually take children from parents and organize them into youth corps?

The third reason I object to this bill is that it denies the parent the right to have his child help him in undertaking to raise a family, and will deny needed and necessary income to thousands of migratory workers. I do not think there is a prune orchard in Santa Clara County where kids of 8, 9, and 10 years do not work more easily than adults. They are not taken from school—they work no harder than they would play—they are not harmed. In fact almost all of us in Santa Clara County started out picking prunes. Why deny these families who live in the wintertime on what they earn in the summertime the opportunity

of participating as a family in supporting the family?

So, Mr. Speaker, I conclude that the portion of the bill which denies the parent control of his child and denies the right of that child to work for his parent or under the direction of his parent should be removed from the bill.

Mr. JOELSON. Mr. Speaker, will the gentleman yield?

Mr. GUBSER. I yield to the gentleman from New Jersey.

Mr. JOELSON. All of our child labor laws deprive the parent of the so-called right to make the child do labor deleterious to his health. That is the basis of all child labor laws.

Mr. GUBSER. Has the gentleman ever lived on a farm?

Mr. JOELSON. I do not think that is relevant to this discussion.

Mr. GUBSER. I think it is. I have never lived in the city or in the coal-fields, but I know there is a big difference between hoeing a row of onions and picking a few tomatoes and in going down into the hazardous mines to work. I have worked all my life and it did not hurt me, and so did others in this Chamber and it did not hurt them. There must have been a reason for exempting agriculture and the reason is that agricultural employment is different.

Mr. JOELSON. I am not arguing the beneficial aspects of farm work but I think our child labor laws should be enforced, not abolished.

Mr. GUBSER. If the gentleman is willing to concede that the right of the parent to have Government control over his child is paramount, he may go along and concede that. But I am going to resist extension of that right.

Mr. JOELSON. I believe the Government has to protect children against parents sometimes.

Mr. GUBSER. Would the gentleman suggest that we make Government wards of all children of underprivileged parents?

Mr. JOELSON. No. I did not say that and I do not suggest it.

Mr. GUBSER. Is the gentleman suggesting that we here are superior in judgment to the parent of a child and that our love for a child is greater than the love of his parent? What right have we to say this?

Mr. JOELSON. I did not state that.

Mr. GUBSER. The gentleman is forgetting that human love and human affection still exists and Government can't ever be a substitute.

Mr. JOELSON. Is the gentleman suggesting a court cannot protect a child from the neglect or cruelty of his own parents?

The SPEAKER. The time of the gentleman from California has expired.

Mr. SMITH of California. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania [Mr. FULTON].

Mr. FULTON. Mr. Speaker, it is good to have a difference of opinion, and we have a difference of opinion right in the Republican Party. I just as strongly support the bill. I think it is fine legislation, and I believe the House should pass S. 1123, the reason being many of

these migrant children do not have the opportunity for education. If that small amount of money going into the family income from the child's earnings is at the expense of the child being educated, then I think the balance is in favor of the child's education.

I therefore recommend that the House pass this bill, because these children of migrant workers in many cases are not given adequate educational opportunities. To me it is a matter of each child having an equal opportunity. When I saw some of these migrant workers and saw the conditions under which they have to live, likewise the low rates of pay, obviously these families are not given the same opportunity as some of the rest of us.

Having a farm, although my father happened to be the head of a bank, I cannot claim to have been a struggling farm boy as many cite with pride, but I am concerned deeply about our U.S. migratory children, and want them to have good chances for equal opportunity and progress. I can tell you what happens to migratory workers' children in the East and some Western States I have seen with my own eyes, and we certainly need the extreme hardship situations cleared up.

The most compelling reasons for enacting the bill S. 1123 are two. First, the bill frees many children from the burdensome and dangerous aspects of farm employment. Second, the bill enables these children to take fuller advantage of the educational opportunities available to them. This educational aspect of the bill particularly helps the children of migratory farm workers. Such children must at best be enrolled in several different schools during the year as their parents follow the crops, and as a result they suffer from a severe educational handicap.

I think we should point out here that the bill is aimed to help chiefly migratory children of migratory families, and to abolish child sweatshop conditions in agriculture just as our progressive legislators have aimed to accomplish in manufacturing and industry. This legislation is not aimed at taking away the parental care of any child of a settled or migratory worker.

That would seem to me to be a pretty good rule, because it would permit the child to go with the family in the morning a distance of 25 miles and come back in the evening, if need be, a distance of another 25 miles, or 50 miles of traveling during the course of the day, in case the family must commute to work each day.

Personally, had I been writing the legislation, I would have made that shorter, because I think that amount of travel is a hardship on a child who works all day and who has just turned 12 years of age.

Mr. Speaker, might I point out in the committee report, what I believe to be an error? Would the gentleman from California the ranking minority member look at the committee report? I believe you have an error. Would the gentleman from New York, the chair-



Public Law 87-823
87th Congress, H. R. 11665
October 15, 1962

An Act

76 STAT. 944.

To revise the formula for apportioning cash assistance funds among the States under the National School Lunch Act, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the National School Lunch Act is amended to read as follows:

National School
Lunch Act,
amendment.
60 Stat. 230.
42 USC 1752.

"APPROPRIATIONS AUTHORIZED

"SEC. 3. For each fiscal year there is hereby authorized to be appropriated, out of money in the Treasury not otherwise appropriated, such sums as may be necessary to enable the Secretary of Agriculture (hereinafter referred to as the 'Secretary') to carry out the provisions of this Act, other than section 11."

42 USC 1760.
42 USC 1753.

SEC. 2. Section 4 of the National School Lunch Act is amended to read as follows:

"APPORTIONMENTS TO STATES

"SEC. 4. The sums appropriated for any fiscal year pursuant to the authorization contained in section 3 of this Act, excluding the sum specified in section 5, shall be available to the Secretary for supplying agricultural commodities and other foods for the program in accordance with the provisions of this Act. The Secretary shall apportion among the States during each fiscal year not less than 75 per centum of the funds made available for such year for supplying agricultural commodities and other foods under the provisions of section 3 of this Act. Apportionment among the States shall be made on the basis of two factors: (1) the participation rate for the State, and (2) the assistance need rate for the State. The amount of apportionment to any State shall be determined by the following method: First, determine an index for the State by multiplying factors (1) and (2); second, divide this index by the sum of the indices for all the States (exclusive of American Samoa for periods ending before July 1, 1967); and third, apply the figure thus obtained to the total funds to be apportioned. If any State cannot utilize all funds so apportioned to it, or if additional funds are made available under section 3 for apportionment among the States, the Secretary shall make further apportionments to the remaining States in the same manner. Notwithstanding the foregoing provisions of this section, (1) for the fiscal year beginning July 1, 1962, three-quarters of any funds available for apportionment among the States shall be apportioned in the manner used prior to such fiscal year, and one-quarter of any such funds shall be apportioned in accordance with the foregoing sentences of this section, (2) for the fiscal year beginning July 1, 1963, one-half of any funds available for apportionment among the States shall be apportioned in the manner used prior to the fiscal year beginning July 1, 1962, and one-half of any such funds shall be apportioned in accordance with the foregoing sentences of this section, (3) for the fiscal year beginning July 1, 1964, one-quarter of any funds available for apportionment among the States shall be apportioned in the manner used prior to the fiscal year beginning July 1, 1962, and three-quarters of any such funds shall be apportioned in accordance with the foregoing sentences of this section, and (4) for the five fiscal years in the period beginning July 1, 1962, and ending June 30, 1967, the amount apportioned to American Samoa shall be \$25,000 each year, which amount shall be first deducted from the funds available for apportionment in determining the amounts to be apportioned to the other States."

42 USC 1754.

42 USC 1754.

SEC. 3. (a) Section 5 of the National School Lunch Act is amended by striking out the last sentence thereof.

(b) Section 6 of the National School Lunch Act is amended by striking out "and less the amount apportioned to him pursuant to sections 4, 5, and 10" and inserting in lieu thereof the following: ", less the amount apportioned by him pursuant to sections 4, 5, and 10, and less the amount appropriated pursuant to section 11".

Nonprofit private schools.
42 USC 1759.

SEC. 4. Section 10 of the National School Lunch Act is amended by striking out "the same proportion of the funds as the number of children between the ages of 5 and 17, inclusive, attending nonprofit private schools within the State, is of the total number of persons of those ages within the State attending school" and inserting in lieu thereof the following: "an amount which bears the same ratio to such funds as the number of lunches, consisting of a combination of foods and meeting the minimum requirements prescribed by the Secretary pursuant to section 9, served in the preceding fiscal year by all nonprofit private schools participating in the program under this Act within the State, as determined by the Secretary, bears to the participation rate for the State".

42 USC 1758.

42 USC 1760.

SEC. 5. Section 11 of the National School Lunch Act is redesignated as section 12 and subsections (c) and (d) thereof are amended to read as follows:

"(c) In carrying out the provisions of this Act, neither the Secretary nor the State shall impose any requirement with respect to teaching personnel, curriculum, instruction, methods of instruction, and materials of instruction in any school.

Definitions.

"(d) For the purposes of this Act—

"(1) 'State' means any of the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, or American Samoa.

"(2) 'State educational agency' means, as the State legislature may determine, (A) the chief State school officer (such as the State superintendent of public instruction, commissioner of education, or similar officer), or (B) a board of education controlling the State department of education.

"(3) 'Nonprofit private school' means any private school exempt from income tax under section 501(c)(3) of the Internal Revenue Code of 1954.

"(4) 'Nonfood assistance' means equipment used by schools in storing, preparing, or serving food for schoolchildren.

"(5) 'Participation rate' for a State means a number equal to the number of lunches, consisting of a combination of foods and meeting the minimum requirements prescribed by the Secretary pursuant to section 9, served in the preceding fiscal year by schools participating in the program under this Act in the State, as determined by the Secretary.

"(6) 'Assistance need rate' (A) in the case of any State having an average annual per capita income equal to or greater than the average annual per capita income for all the States, shall be 5; and (B) in the case of any State having an average annual per capita income less than the average annual per capita income for all the States, shall be the product of 5 and the quotient obtained by dividing the average annual per capita income for all the States by the average annual per capita income for such State, except that such product may not exceed 9 for any such State. For the purposes of this paragraph (i) the average annual per capita income for any State and for all the States shall be determined by the Secretary on the basis of the average annual per capita income for each State and for all the States for the three most recent years for which such data are available and certified

68A Stat. 163.
26 USC 501.

42 USC 1758.

to the Secretary by the Department of Commerce; and (ii) the average annual per capita income for American Samoa shall be disregarded in determining the average annual per capita income for all the States for periods ending before July 1, 1967.

"(7) 'School' means any public or nonprofit private school of high school grade or under and, with respect to Puerto Rico, shall also include nonprofit child-care centers certified as such by the Governor of Puerto Rico."

SEC. 6. The National School Lunch Act is further amended by inserting immediately after section 10 thereof the following new section: 42 USC 1759.

"SPECIAL ASSISTANCE

"SEC. 11. (a) There is hereby authorized to be appropriated Ante, p. 945. \$10,000,000 for the fiscal year ending June 30, 1963, and such sums as may be necessary for each succeeding fiscal year to provide special assistance to schools drawing attendance from areas in which poor economic conditions exist, for the purpose of helping such schools to meet the requirement of section 9 of this Act concerning the service of lunches to children unable to pay the full cost of such lunches.

"(b) Of the sums appropriated pursuant to this section for any fiscal year, 3 per centum shall be available for apportionment to Puerto Rico, the Virgin Islands, Guam, and American Samoa. From the funds so available the Secretary shall apportion to each such State an amount which bears the same ratio to the total of such funds as the number of free or reduced-price lunches served in accordance with section 9 of this Act in such State in the preceding fiscal year bears to the total number of such free or reduced-price lunches served in all such States in the preceding fiscal year: *Provided*, That for the fiscal year ending June 30, 1963, \$5,000 shall be apportioned to American Samoa, which amount shall be first deducted from the total amount available for apportionment under this subsection. If any such State cannot utilize for the purposes of this section all of the funds apportioned to it, the Secretary shall make further apportionment on the same basis as the initial apportionment to any such States which justify the need for additional funds for such purposes.

"(c) Of the remaining sums appropriated pursuant to this section for any fiscal year, not less than 50 per centum shall be apportioned among States, other than Puerto Rico, the Virgin Islands, Guam, and American Samoa, on the basis of the following factors for each State: (1) the number of free or reduced-price lunches served in accordance with section 9 of this Act in the preceding fiscal year, and (2) the assistance need rate. These factors shall be applied in the following manner: First, determine an index for each State by multiplying factors (1) and (2); second, divide this index by the sum of the indices for all such States; and, third, apply the figure thus obtained to the total funds to be apportioned. Any funds so initially apportioned which cannot be used for the purpose of this section by the State to which apportioned, together with the remainder of the funds available under this subsection, shall be further apportioned by the Secretary on the same basis as the initial apportionment to such States which justify on the basis of operating experience the need for additional funds to meet the need of students in such States for free or reduced-price lunches in schools deemed eligible by their State educational agencies for special assistance in accordance with the factors set forth in subsection (e) of this section.

"(d) Payment of the funds apportioned to any State under this section shall be made as provided in the last sentence of section 7 of the Act. 42 USC 1756.

“(e) Funds paid to any State during any fiscal year pursuant to this section shall be disbursed to selected schools in such State to assist such schools in the purchase of agricultural commodities and other foods. The selection of schools and the amounts of funds that each shall from time to time receive (within a maximum per lunch amount established by the Secretary for all the States) shall be determined by the State educational agency on the basis of the following factors: (1) The economic condition of the area from which such schools draw attendance; (2) the needs of pupils in such schools for free or reduced-price lunches; (3) the percentages of free and reduced-price lunches being served in such schools to their pupils; (4) the prevailing price of lunches in such schools as compared with the average prevailing price of lunches served in the State under this Act; and (5) the need of such schools for additional assistance as reflected by the financial position of the school lunch programs in such schools.

“(f) If in any State the State educational agency is not permitted by law to disburse funds paid to it under this Act to nonprofit private schools in the State, the Secretary shall withhold from the funds apportioned to such State under subsections (b) or (c) of this section an amount which bears the same ratio to such funds as the number of free and reduced-price lunches served in accordance with section 9 of this Act in the preceding fiscal year by all nonprofit private schools participating in the program under this Act in such State bears to the number of such free and reduced-price lunches served during such year by all schools participating in the program under this Act in such State. The Secretary shall disburse the funds so withheld directly to the nonprofit private schools within such State for the same purposes and subject to the same conditions as are applicable to a State educational agency disbursing funds under this section.

“(g) In carrying out this section, the terms and conditions governing the operation of the school lunch program set forth in other sections of this Act, including those applicable to funds apportioned or paid pursuant to sections 4 or 5 but excluding the provisions of section 7 relating to matching, shall be applicable to the extent they are not inconsistent with the express requirements of this section.”

Approved October 15, 1962.

42 USC 1758.

42 USC 1753,
1754, 1756.

